

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6591 of 2019

- Raipal Nishad S/o Late Chamaru Ram Nishad Aged About 26 Years
R/o- Masgaon Chowk Para, P.S.- Nagarnar, Chowki-Bakawand,
Jagdalpur, District- Bastar Chhattisgarh, District : Bastar(Jagdalpur),
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. - Nagarnar, Jagdalpur, District -
Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

----- Respondent

For Applicant : Shri Manish Nigam, Advocate
For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

03.12.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.153/2019, registered at Police Station Nagarnar, Jagdalpur, District Bastar(CG) for the offence punishable under Section 376 of the IPC.
3. As per the case of prosecution, the prosecutrix lodged a report that on the pretext of marriage, the applicant committed sexual intercourse with her and thereafter denied to marry.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a major lady aged about 24 years and she was a consenting party and there was love affair between them. He further submits that the applicant is in jail since 12.6.2019 and trial may take some

time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the applicant is in jail since 12.6.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE