NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6392 of 2019

- Umar Hussain S/o Ashiq Aged About 19 Years R/o Shardapur, Police Station Chalgali, District Balrampur, Ramanujganj Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chalgali, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Respondent : Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order on Board

28/11/2019

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 75/2019 registered at Police Station – Chalgali, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 376 (2)(N) & 506-II of IPC.

- The prosecution story in brief is that, prosecutrix lodged a report against the applicant alleging that in the year 2018, one day in a morning when she was going for call of nature, at that time the applicant caught hold of her and committed forcible sexual intercourse with her and also threatened her for dire consequences and thereafter, he used to commit sexual intercourse with her regularly and, as a result of which, she got pregnant in the month of March, 2019. Thereafter, offence has been registered against the applicant and he was arrested.
- Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. There is no direct evidence against the applicant to connect him with the crime in question. He further submits that the age of the prosecutrix is about 20 years and the applicant is in jail since 19.07.2019, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.

- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix and further considering the detention period of the applicant, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu