

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6574 of 2019**

- Guddu Suryawanshi S/o Late Tulsiram Suryawanshi Aged About 35 Years, R/o Hatkachora, Anukul Ward Jagdalpur, District- Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station-Kotwali, Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Indira Tripathi, Adv.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 354/2019 registered at Police Station-Kotwali, Jagdalpur, District-Bastar (C.G.) for the offence punishable under Section 376/34 of the IPC.
2. The prosecution story, in brief is that on 10.07.2019 the prosecutrix lodged a written report that she came in Jagdalpur along with her family for doing labour work in the mean time she met with Chandar Das @ Pakhlu and they talk each other and in which the Chandar Das told her that he likes her and he wants to marry with her. On 10.06.2019 the Chandar Das along with the present applicant who is uncle of the Chandar Das came her village at 10 PM. and called her on the road and she came there and Chander Das told her that he will not live without her and seduce her and kept her by motorcycle along with his uncle Guddu Suryawanshi in his uncle village and many times he committed sexual intercourse with her on pretext of marriage. After some time he said that he cannot

marry with her and started threatened her and on 02.07.2019 he dropped her in her village. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the main accused is Chander Das and the present applicant is his uncle and the age of the prosecutrix is about 19 years. The applicant is in jail since 22.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the main accused is Chander Das and the present applicant is the uncle of the main accused and the present applicant is in jail since 22.08.2019 and 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**