

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6702 of 2019

- Adarsh Shrivastava S/o Rajesh Alias Prafull Shrivastava Aged About 19 Years R/o Ward No. 14 Durjabandpara Pandariya, Police Station Pandariya, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Torwa, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri V.K. Tondey, Advocate
 For Respondent/State : Shri B.L. Sahu, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

09.12.2019

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.202/2019, registered at Police Station Torwa, District Bilaspur(CG) for the offence punishable under Sections 376(2), 354, 109, 34 of the IPC.
3. As per the case of prosecution, co-accused Sahil Kiran Yadav taking benefit of quarrel between the victim and her husband, took her to Devrikhurd Bilaspur and she resided there. Thereafter, the co-accused maintained physical relations with the victim and the present applicant also tried to commit sexual intercourse with the victim.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime. Sahil Kiran Yadav is the main accused and he is friend of the present applicant and present applicant has no active role in the crime. He further submits that the applicant is in jail since 25.9.2019 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 main allegations are against the co-accused Sahil Kiran Yadav and the applicant is in jail since 25.9.2019, 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