

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 114 of 2020**

Prakash Kurre, S/o- Bhikhamchand Kurre, Aged about 21 years, R/o- Ghasidas Chow, Satnam Basti, Labhandi, Police Station – Telibandha, Raipur, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station – Telibandha, Raipur, District – Raipur (C.G.)

----Respondent

For Applicant	: Mr. Navin Shukla, Advocate.
For Non-applicant/State	: Mr. Vaibhav Kartike Agrawal, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

13/02/2020

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 541/2019 registered at police Station Telibandha, District Raipur (C.G.) for the offence punishable under Section 376 (2)(a) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that a written complaint was lodged by the prosecutrix, who is aged about more than 18 years, stating inter alia that she known to the applicant/accused since 2015. In between, the applicant stated that he loved her and when the proposal of his lover was refused by the prosecutrix, the applicant did not listen the same and in the year 2016, applicant went to the house of the prosecutrix unauthorizedly and committed sexual intercourse with her against her will and thereby committed the

aforsaid offence.

(3) Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He submits that applicant is languishing in jail since 20.11.2019; charge sheet has already been filed and as the trial is likely to take some time for its final disposal, the applicant is entitled for regular bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 20.11.2019; charge sheet has already been filed; trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

