

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1282 of 2020**

- Nishikant Mishra @ Vikky S/o Yogendra Mishra Aged About 24 Years R/o Aragahi, Police Station Ramanujganj, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Schedule Caste Schedule Tribe, Balrampur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Malay Shrivastava, Advocate
For Respondent	:	Shri Vinod Tekam, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/03/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.24/2019, registered at Police Station - Scheduled Caste and Scheduled Tribe, Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. The allegation against the applicant is that he committed sexual intercourse with the prosecutrix many times on the pretext of marriage and when she asked for marriage, the applicant denied to do so. Based on this, offence has been registered. The present applicant has been taken into custody on 04.12.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that there was love affair between them, the prosecutrix is aged about 20 years and she is consenting party to the act of the applicant. He also submits that there is an affidavit of the prosecutrix which shows that the prosecutrix herself stated to be wife of the applicant. He next submits that the applicant is in custody since 04.12.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 04.12.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge