

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4287 of 2020

- Hunga Tati, Son of Late Baman Tati, Aged about 38 years, Caste Gond, R/o. Village Chotegudara, Kotwarpara, PS and Tahsil Kuakonda, District Dantewada at present R/o. Sodipara, Sukma, District Sukma CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Gadiras, District Sukma CG

---- Respondent

For Applicant : Shri Praveen Dhurander, Advocate
For Respondent /State : Shri Rahul Jha, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.51/2015 registered at police station Gadiras, district Sukma (CG) for the offence punishable under Sections 366 and 376 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant developed physical relation with her on the pretext of marriage and thereafter refused to marry her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecutrix was major and consenting party. He further submits that the prosecutrix has not supported the case of prosecution before the trial court.

Lastly, he submits that the applicant is in jail since 30.09.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge