

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7096 of 2019**

- Sukhnandan Nishad S/o Shri Nakul Nishad, aged about 21 years, R/o village Bhimbauri, Tahsil Lohara, Thana Sahaspur Lohara, District Kabirdham (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Sahaspur Lohara, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Shri Vinay Pandey, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/01/2020**

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.133/2019, registered at Police Station – Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Sections 366, 376, 506 and 34 IPC.
2. The prosecution story, in brief, is that the prosecutrix made a report in police station alleging therein that on 08.05.2019, the applicant called her to Gandai Bus Stand to discuss some trivial issue from where he took her on his motorcycle near isolated area, on knife point he abducted her and took her to Nagpur to his relatives' house where he committed forcible sexual intercourse with her on the false pretext of marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 30.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix is major aged about 23 years and she is consenting party to the act of the applicant. He also submits that the applicant is in custody since 30.08.2019 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 prosecutrix is major, the applicant is in custody since 30.08.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge