

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7393 of 2019

- Tuleshwar Sahu S/o Murlidhar Sahu Aged About 29 Years R/o Village Pandripani, Police Station Mainpur, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Mainpur, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

 For Applicant : Shri S.K. Guha, Advocate
 For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

07.01.2020

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.67/2019, registered at Police Station Mainpur, District Gariyaband(CG) for the offence punishable under Section 376 of the IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the case of prosecution, the applicant committed forcible sexual intercourse with the prosecutrix and made a Video and on the pretext of marriage again committed many times sexual intercourse with her due to which she became pregnant.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix and the

applicant were in love affairs and due to pressure of the family members, the prosecutrix has lodged the report against the applicant. He submits that the prosecutrix was a consenting party and she has turned hostile and has not supported the case of prosecution. He further submits that the applicant is in jail since 12.9.2019 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 and the detention period of the applicant and also considering that the prosecutrix has turned hostile, 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