

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7514 of 2019

- Anil Minj S/o Dilsai Aged About 33 Years R/o Near Mahamaya Para Talab, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dev Ashish Biswas, Advocate
For Respondent/State	: Shri V.K.Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/01/2020

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. 375/2019 registered at police station Ambikapur, district Sarguja (CG) for the offence punishable under Sections 366,242,376(2) (n) 376(2)(d) and 506 Part II IPC.

Case of the prosecution in brief is that a report was lodged by the complainant alleging that in the year December 2018, when she went to her sister's home, she was asked by her sister that since she has to take care of her children, she will not be able to go along with her husband who is suffering from some brain disease and therefore requested her to accompany for his treatment at Ranchi. It is further

alleged that when the complainant went to Ranchi with the applicant, she was subjected to forceful sexual intercourse on several occasions.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix was a consenting party and was aged about 19 years. He submits that there was a delay of four months in lodging the FIR. Lastly, he submits that the applicant is in jail since 20.06.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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 nature of allegation and 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