

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7424 of 2019**

- Pushpraj @ Dulesh Sinha S/o Anjori Ram Sinha Aged About 29 Years
Caste Kalar R/o Village Kodejunga P.S. Kanker, District North Baster
Kanker Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Kanker District North Baster
Kanker Chhattisgarh.

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate.
For State	:	Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 252/2019 registered at Police Station – Kanker, District North Baster Kanker (C.G.) for the offence punishable under Sections 376, 506, 420 of IPC.
- As per the prosecution story, in brief, present applicant is a 'Jyotishi' and the prosecutrix went to the present applicant for resolution of domestic problems and for that, on demand, she gave Rs. 2,00,000/- to the present applicant. Thereafter, the present applicant scared the prosecutrix and in the name of Uttra worship he committed sexual intercourse with the prosecutrix. On the basis of above facts, after completion of investigation, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submitted that prosecutrix is aged about 38 years and

she is consenting party. He further submitted that there is delay in lodging the FIR about 1 month and during that period she did not disclose the above incident with anyone. The applicant is in jail since 23.07.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.

- Per contra, State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the fact that there was delay in lodging the FIR, as he is in jail since 23.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge