

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7472 of 2019**

- Yogeshwar Prasad Dubey S/o Ganesh Prasad Dubey Aged About 40 Years, R/o Ward No.02, Ahirwara, Durg Present Address-Teacher Government Primary School Teliyapani (Lehra) Tahsil Pandariya District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Officer-In-Charge, Police Station Kukdur, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Asutosh Mishra, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 80/2019 registered at Police Station-Kukdur, District - Kabirdham (C.G.) for the offence punishable under Sections 376, 506 of the IPC and 3(2) (5-a) of SC/ST (Prevention of Atrocities) Act.
2. The prosecution story, is that husband of the prosecutrix is suffering from epilepsy and the applicant told them he will give treatment to the husband of the prosecutrix and took them 100 meters away from the house and committed rape with the prosecutrix. It is also alleged that after 4-5 days he again committed rape with the prosecutrix. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question.

He further submits that the age of the prosecutrix is about 33 years. The applicant is in jail since 28.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix is about 33 years old and the applicant is in jail since 28.09.2019 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.
7. 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 trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**