

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7603 of 2019

- Hemshankar @ Monu Sen S/o Dinesh Sen, Aged About 24 Years R/o Vill- Akrordih, P.S. Old Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., P.S. Supela, Chowki-Smriti Nagar, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Ravindra Sharma, Advocate
For Respondent/State	: Shri Anil Tripathi, PL
For Respondent/Objector	: Shri Vaibhav Goverdhan, Advocate

Prosecutrix is also present.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

16/01/2020

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.990/2019 registered at police station Supela, Chowki Smriti Nagar, District Durg (CG) for the offence punishable under Sections 313,376 and 506 IPC; Sections 4 & 6 of the Protection of Children from Sexual Offences Act.

Case of the prosecution in brief is that a report was lodged by the prosecutrix alleging that the applicant called her to the house of his sister and had subjected her to rape and thereafter made video clippings. It is further alleged that the applicant used to threaten her

and developed physical relation and when she became pregnant, he administered her some medicine.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix is major and she was having love affair with the applicant. He submits that the applicant is in jail since 20.10.2019 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.

Counsel for the objector has no objection, if the applicant is granted bail.

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