

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7896 of 2019**

- Aashish @ Jhaglu Sa (Kolta) S/o Shauki Lal Aged About 25 Years, R/o Village - Manuwapali Police Station - Chakradhar Nagar Raigarh Tahsil And District - Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Chakradhar Nagar Raigarh Tahsil And District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vineet Kumar Pandey, Adv.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27/01/2020**

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. 256/2019 registered at Police Station-Chakradhar Nagar, Raigarh, District - Raigarh (C.G.) for the offence punishable under Sections 376/34 of the IPC 2(1)(xii), 3(2)(v-a) of SC & ST prevention of Atrocity Act.
2. The prosecution story, is that on 11.07.2019 the victim along with her daughter returning to her house after taking leave from her job, in the meanwhile, near the tank of Saraipali, the applicant along with other co-accused mate with them, thereafter, in the way of forest the co-accused and applicant stopped them, the applicant caught hold to the victim and dragged her inside of the forest and committed sexual intercourse with her. At that time the daughter of the victim ran away from the spot due to fear thereafter, victim called her brother and reported the matter to the police. 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 victim is aged about 40 years old and there is no injury found in the body of the prosecutrix. The applicant is in jail since 13.09.2019, 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 applicant is in jail since 13.09.2019 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**