

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7567 of 2019

- Rahul Chouhan S/o Miniketan Chouhan Aged About 19 Years Caste Gada, Student, R/o Bagindih, Darrabhata, Police Station Saria, Tahsil Baramkela, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saria, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

 For Applicant : Smt. Indira Tripathi, Advocate
 For Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

16.01.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.157/2019, registered at Police Station Saria, District Raigarh(CG) for the offence punishable under Sections 376, 506, 454, 354(d) of the IPC.
3. As per the case of prosecution, prior 6 to 7 months from 28.10.2019, the applicant was teasing the prosecutrix and on 25.9.2019 at about 2.00 pm when she was alone in the house, the applicant committed sexual intercourse with her threatening her to dire consequences.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. She submits that the prosecutrix is a

married lady having a son. She further submits that the offence has been committed on 25.9.2019 and the report has been lodged on 28.10.2019, which creates doubt; and the applicant is in jail since 30.10.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the detention period of the applicant, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE