

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7664 of 2019**

- Hemant Kaushik S/o Rajendra Kaushik Aged About 27 Years, R/o Village Gobra Nayapara, Rajim, Tahsil Nayapara, Police Station Nayapara, District Raipur, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

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| For Applicant        | : | Mr. D. Kushwaha, Adv. |
| For Respondent/State | : | Mr. B.L. Sahu, PL.    |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****20/01/2020**

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. 458/2019 registered at Police Station-City Kotwali, District-Dhamtari (C.G.) for the offence punishable under Sections 376 and 506 of the IPC.
2. The prosecution story, in brief is that the complainant filed complaint that from 17.02.2015 to 17.02.2018 the present applicant on pretext of marriage committed sexual intercourse with the prosecutrix and threaten to kill her if she disclosed the matter to anyone. 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 25 years. The applicant is in jail since 22.10.2019, 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 age of the prosecutrix is about 25 years and the present applicant is in jail since 22.10.2019 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, subject to following conditions:
  - That, the applicant will furnish a specific, undertaking that while on bail, he will not try to threat the witnesses, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
  - That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
  - That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
  - That, he will furnish 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**