

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7994 of 2019**

- Madhusudan Agrawal S/o Late Durga Prasad Agrawal Aged About 57 Years, R/o Jaistamb Chowk, Dongargarh, P.S. And Tehsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N. K. Shukla, Senior Counsel along with Mr. Arjit Tiwari, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.
For Objector	:	Mr. Sunil Sahu, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/01/2020**

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. 340/2019 registered at Police Station-Dongargarh, District-Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506 of the IPC and 3(2)5 and 3(1) of the SC & ST (Prevention of Atrocities) Act.
2. The prosecution story, in brief is that complainant lodged a report that she was working in the lodge of the applicant and during that time on pretext of marriage applicant committed sexual intercourse with the complainant continuously and when complainant told for marriage, applicant threaten to kill,

and assaulted the complainant. 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 prosecutrix is 34 years old married lady. He further submits that no case is made out against the present applicant and in support of his case he placed reliance on the decision of C.G. High Court in the matters of Priti Puna Ram Prajapati V. State of Chhattisgarh reported in 2018, CRI. L.J. 2333, Mohammed Shamshuddin and others V. State of M.P. (Now C.G.) reported in 2019 CRI. L. J. 4531, Girdharilal V. State of Chhattisgarh reported in AIR Online 2018 CHH 258 and on the decision of Supreme Court in the matter of Pramod Suryabhan Pawar V. State of Maharashtra and another reported in AIR Online 2019 SC 904. The applicant is in jail since 20.11.2019, 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. Learned counsel for the objector opposes the bail application and submits that the prosecutrix is an employee of the applicant's lodge and if the consent obtained on the promise of marriage, is not a consent. It is a case where the false promise is made out and committed sexual intercourse with the prosecutrix. Thus, the applicant may not be entitled on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 34 years and the present applicant is in jail since 20.11.2019 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**