

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7927 of 2019**

- Shravan Kumar Yadav S/o. Jugeshwar Yadav Aged About 24 Years
R/o- Kaskela, P.S.- Bhatgaon, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through- Police Station- Anusuchit Jati
Kalyan Thana, Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant. : Mr. Rishikant Mahobiya, Advocate.
For Respondent/State : Mr. Akhtar Hussain, 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 the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 05/2019 registered at Police Station –Anusuchit Jati Kalyan Thana, Surajpur District Surajpur (C.G.) for the offence punishable under Sections 376/34 of IPC and Section 3(1)(B), 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.
2. The allegation against the present applicant is that, he committed sexual intercourse with the prosecutrix against her will and on the pretext of marriage, before marriage, obtained Rs. 50,000/- from her for purchasing Motor cycle thereafter denied for marriage and abused her in the name of her caste. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that prosecutrix is a married lady aged about 30 years having one child so, in this case, as per prosecution story, alleged offence 'on the pretext of marriage' against the applicant is itself highly doubtful, except that, the FIR has been lodged after 6 months of the incident. As applicant is jail since 01.09.2019, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
4. Per contra, State counsel 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, age of the prosecutrix and further considering that the applicant is in jail since 01.09.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu