

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7841 of 2019

- Shivkumar Sahu S/o Ramauram Sahu Aged About 31 Years
R/o Chhivpuri , Khurd , Police Station Rengakhara, District
Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Bakarkatta, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Aditya Bhardwaj, Advocate
For Respondent-State	:-	Shri B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

21/01/2020

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. 06/2019 registered at Police Station – Bakarkatta, District Rajnandgaon (C.G.) for the offences punishable under Sections 363, 376, 34 of the IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. The allegation against the present applicant is that when the prosecutrix had gone to her relatives' house, the

accused/applicant who is the neighbour, caught hold of her hair, gaged her mouth and forcibly took her on his motor cycle to a nearby forest where he committed forcible sexual intercourse with her. Based on this, offence has been registered.

3. The present applicant has been arrested on 18.09.2019.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is a major aged about 27 years, charge sheet has been filed and she is a consenting party to the act of the applicant. Next submission is that as the applicant is in jail since 18.09.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
5. On the other hand State counsel strongly opposes the bail application.
6. I have heard learned counsel for the parties and perused the entire material available on record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicant is in jail since 18.09.2019 and as 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.

8. Accused/applicant is directed to be released on bail on their 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. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

SD/-
(Rajani Dubey)
Judge

Ayushi