

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8094 of 2019**

- Dr. Pratap Singh Kurre S/o Late Gyanprasad Aged About 58 Years Caste Satnami, R/o Village Khisora, Tahsil Akaltara, District Janjgir - Champa Chhattisgarh. Presently Residing At District - Hospital Residential Colony Parisar, Janjgir Tahsil And District - Janjgir - Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saragaon, District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Vivek Singhal, Advocate.
For Respondent/State	:	Mr. Wasim Miyan, PL
For Objector	:	Mr. Sumit Singh, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.02.2020**

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. 84/2019 registered at Police Station - Saragaon, District Janjgir-Champa (C.G.) for the offence punishable under Sections 450, 376 of IPC.
2. The prosecution story in brief is that, when the prosecutrix was in her house, applicant entered her house and committed forceful sexual intercourse with the prosecutrix against her will. Based on that 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 the prosecutrix is 33 years old lady and there was previous enmity and civil dispute between the applicant and mother of the prosecutrix, due to that, she imposed false allegation upon him. He next added that the applicant is in jail since 12.11.2019 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 as well as counsel for the objector strongly oppose the bail application and submit that applicant has committed forceful rape which is a very heinous crime, therefore, he may not be granted bail.
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 12.11.2019 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.
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 and the applicant is directed not to communicate/contact in any manner with the prosecutrix, her family members and the witnesses cited in the charge-sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or

indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu