

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 8238 of 2019**

Jaykumar @ Jayprakash @ Pappu son of late Raghubeer Singh, Caste-Gond, aged about 30 years, resident of Dudhaniyakala, Police Station – Patan, Tahsil – Baikunthpur, District Korea (C.G.)  
( In jail)

**---- Applicant****Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Patna, District Korea (C.G.)

**----Non-applicant**

For Applicant : Mr. D.N. Prajapati, Advocate.  
For Non-applicant/State : Ms. Akshra Amit, Panel Lawyer.

**Hon'ble Smt. Justice Rajani Dubey****Order On Board****04/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 144/2019 registered at police Station Patna, District – Korea (C.G.) for the offence punishable under Sections 376(2)(b)(d) of the Indian Penal Code.

(2) Case of the prosecution, in nutshell, is that on 10.09.2019 when prosecutrix was walking nearby her house, at that point of time, applicant took her at tamarind (इमली) tree and committed sexual intercourse with her against her will and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no direct evidence available on record to connect the applicant with the crime in question. He submits that applicant is languishing in jail since 19.09.2019; charge sheet has already been filed and no useful purpose would be served in further detaining him in jail as no custodial interrogation is required and the trial is likely to take

some time for its final disposal and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 19.09.2019; charge sheet has already been filed; looking to the medical report of the prosecutrix; and the trial is likely to take some time for its final disposal without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall 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 shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-

(Rajani Dubey)  
Judge

D/-



