

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8350 of 2019**

- Santosh Yadav S/o Ramkhilawan Yadav Aged About 30 Years R/o Village Mendrakala, Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Ajak, Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent	:	Shri Vinod Tekam,P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/01/2020**

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.148/2019 registered at Police Station - AJAK, Surajpur(C.G.) for the offence punishable under Sections 376 of the IPC and Sections 3 (1) (ब) (i), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It is the case of the prosecution that the applicant seated the victim in his vehicle saying that he will drop her to her house and thereafter he took her to the forest and forcibly gave her liquor and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He submits that victim a married lady aged about 30 years and she herself has gone with the applicant in her vehicle and she was a consenting party. He further submits that as the applicant is in custody since 04.12.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and victim is a major lady, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge