

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 933 of 2021**

- Pratap Singh S/o Late Shivshankar Singh, Aged About 30 Years, R/o Village- Bade Kalua, Police Station and Tehsil Khadgawa, District- Koriya, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khadgawa, District- Koria, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate.
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.06.2021**

- Proceeding through video conferencing.
- 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.317/2020 registered at Police Station -Khadgawa, District Koriya (C.G.) for the offence punishable under Section 376 of the IPC.
- The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix forcefully while she was going for a nature call in the morning at 5.00 AM.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submitted that the prosecutrix is a major lady. The

applicant and prosecutrix reside in contiguous houses and share a common toilet and there are contradictions in her statement which shows that a concocted story has been cooked against him. He next submitted that there was a previous money dispute between the parties due to which a false allegation has been made against the applicant. The applicant is in jail since 11.12.2020, he may be released on bail.

- Per contra, learned State counsel opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Considering the totality of the facts and circumstances of the case, nature of allegation, I am of the opinion that present is a fit case to release the applicant on bail.
- Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
- 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 local 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.

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

V/-