

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2171 of 2021

- Harish Suryavanshi, S/o Naval Suryavanshi, Aged About 26 Years
R/o Village Chindaula, Police Station - City Kotwali, Gariyabandh,
District Gariyabandh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station City Kotwali,
Gariyabandh District Gariyabandh Chhattisgarh.

---Respondent

For Applicant – Shri Pragalbha Sharma, Advocate.

For Respondent/State – Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/07/2021

Heard.

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26.11.2020 in connection with Crime No. 248/2020 registered at Police Station- City Kotwali, Gariyabandh District Gariyabandh C.G. for the offence punishable under Sections 376 (2), 294, 313, 324 R/w 34 of I.P.C.
2. As per the prosecution case, the report was made by the prosecutrix that the present applicant on the pretext of marriage has committed sexual intercourse and the last intercourse was

committed on 18.11.2020. Thereby the offence was committed.

3. Learned counsel for the applicant submits that the prosecutrix is a widow lady aged about 30 years and she was consenting party and because of the family dispute the incident happened which would be evident from the series of documents which have been filed which shows that certain dispute exist between the prosecutrix and the applicant family. He further submits that charge sheet has been filed and he is in jail since 26.11.2020, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the medical report support the happening of the incident.
5. Considering the age of the prosecutrix and the documents which are placed on record which shows that certain dispute was existing and further considering that the charge sheet has been filed and the applicant is in jail since 26.11.2020, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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 trial Court on each and every date given by the said Court.

Sd/-

(Goutam Bhaduri)

Judge