



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 595 of 2023

- Rajkishore Singh @ Raju S/o Late Anugrah Narayan Singh Aged About 41 Years R/o Bus Stand, Dumardih, Police Station Utai, District-Durg Chhattisgarh. --- **Appellant.**

Versus

- State Of Chhattisgarh Through - Police Station, Ajak District - Durg Chhattisgarh --- **Respondent.**

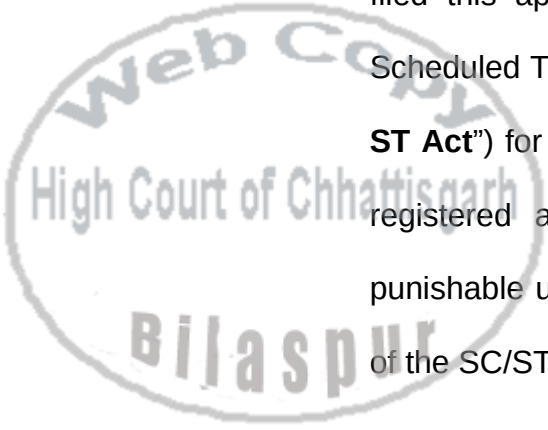
For Appellant : Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State : Mr. Jitendra Shukla, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

18.04.2023

1. The accused/appellant who is in custody since 11.01.2023 has filed this appeal under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short the "**SC/ST Act**") for grant of regular bail in connection with Crime No.12/2023 registered at Police Station AJAK, District Durg for the offence punishable under Sections 376 (3) & 506 of IPC and Section 3 (2) (v) of the SC/ST Act.

2. Case of the prosecution, in brief, is on the date of incident i.e. 09.01.2023 when the husband of the prosecutrix gone to his work, gas cylinder used in her house got empty. Therefore, she told the appellant to call her husband from the work place. Thereafter, at about 8:30 PM on the same day, when her children were sleeping and her husband not available in the house, the accused/appellant entered in her house and committed rape with her and also extended threats to kill her husband. Thereafter, when her husband returned from his work, she narrated the entire incident to him. Thereafter, instant FIR has been lodged against the appellant on 10.01.2023 at about 3:30 Noon at Police Station Utai, District Durg.





3. Learned counsel for the appellant submits that the accused/ appellant is innocent and has been falsely implicated in the crime in question. He further submits that medical evidence does not support the case of the prosecution and prosecutrix is a consenting party. The appellant has not committed any atrocity on the prosecutrix. He also submits that FIR has been lodged belatedly and the appellant is languishing in jail since 11.01.2023. Therefore, the appellant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for bail and supports the impugned order.

5. Having considered the submission of learned counsel for the parties, considering the facts and circumstances the case, further considering the quality of evidence; backdrop of the case and considering the medical evidence, I am inclined to release the appellant on bail.

6. Accordingly, the appeal is **allowed** and it is directed that on appellant's furnishing a personal bond in the sum of Rs.25,000/- with **one** surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail on the following conditions:-

- (a) He shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (b) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- (c) He shall not involve himself in any offence of similar nature in future.

Sd/-
(Deepak Kumar Tiwari)
Judge

Ajay