

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8546 of 2018

- Rakesh Jivnani S/o Late Dayaram Jevnani Aged About 37 Years R/o Dubey Colony, Mowa, Raipur, Tahsil And District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandri Mowa, Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri VR Tiwari, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/11/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 364/2017, registered at Police Station Pandri, Mowa, District Raipur (C.G.) for the offence punishable under Section 376 of the IPC.
2. In this case prosecutrix is a major girl aged about 21 years. On 10.11.2017, a written report has been made by the prosecutrix, wherein it has been alleged that in the month of July 2017, on the pretext of marriage the applicant committed sexual intercourse with the prosecutrix. On the basis of said report, offence has been registered against the present applicant and he has been arrested on 21.08.2018.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that prosecutrix is a major lady and from the evidence it may presume that she is a consenting party, report was

also made after four months of the incident. The Applicant is in custody since 21.08.2018 and trial will take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the Applicant is in custody since 21.08.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge