

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 411 of 2019**

- Imran @ Sibbu Khan, S/o Shri Izrail Khan, aged about 21 years, R/o Nandai Kuwa Chowk, Ward No. 31, Rajnandgaon, Police station – Basantpur, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, P.S. Kotwali, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Ishan Verma, Advocate.

For Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**12/03/2019**

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. 386/2018, registered at Police Station – Kotwali, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 376, 323, 506 & 294 of IPC.
2. In this case prosecutrix is a girl aged about 21 years. On 17.07.2018, a written complaint has been lodged by the prosecutrix wherein it has been alleged that in the year 2016 on the pretext of marriage present Applicant made sexual relationship with the prosecutrix, thereafter, on various occasion also, he made forcible sexual intercourse with her. On 15.07.2018 also, the Applicant came to the prosecutrix and tried to make sexual intercourse with her and when she opposed, Applicant assaulted and abused her. On the basis of the said, offence has been registered. The Applicant has been taken into custody on 18.07.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case due to some dispute. He also submits that the incident is of the year 2016 and report was lodged after two years i.e. in the year 2018. He also states that the age of the prosecutrix is 21 years and she was a consenting party in the alleged offence. Charge-sheet has been filed, Applicant is in custody since 18.07.2018 and trial is likely to take some time. Therefore, the Applicant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 18.07.2018 and trial is 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 solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge