

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1003 of 2019

- Omkar Gupta S/o Shri Chaturbhuji Gupta Aged About 52 Years
Occupation - Auto Mechanic, R/o Ramgudi Para, Police Station
Kotwali, Raigarh, Taluka - Raigarh, Tahsil And District Raigarh
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Of The Police
Station City Kotwali, Raigarh.

---- Respondent

For Applicant	: Mr. Abhishek Saraf, Advocate.
For Respondent/State	: Mr. Amit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/02/2019

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. 03/2019, registered at Police Station – City Kotwali, District- Raigarh (C.G.) for the offence punishable under Section 376 of the IPC.
2. In this case, prosecutrix is a major lady aged about 32 years. On 03.01.2019, prosecutrix lodged a report in police station, wherein, it has been alleged that on 24.04.2018, the applicant called her near Medical College Raipur (C.G.) and committed forcefully sexual intercourse with her and since then till 26.08.2018 he continuously done sexual intercourse with her, eventually the prosecutrix become pregnant. On the basis of said report, offence has been registered against the applicant and he has been taken in custody on 04.01.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. He further submits that the applicant and the prosecutrix were known to each other since 2016 and from the statement of the prosecutrix, it seems that she was a consenting party, FIR was lodged after 2 ½ months of the incident, the applicant is in custody since 04.01.2019, charge-sheet has already been filed and trial will take some time. Therefore, he 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the FIR was lodged after 2 ½ months of the incident, the applicant is in custody since 04.01.2019, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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 Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge