

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2986 of 2019**

Rahul Agrawal S/o Raju Agrawal Aged About 22 Years R/o Gobarsingha, P.S. And Tahsil- Baramkela, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Kharsia, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.
For Respondent/State : Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/06/2019

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. 137/2019, registered at Police Station – Kharsia, District-Raigarh (C.G.) for the offence punishable under Section 376 (2) (n), 323 of IPC.
2. In this case, age of the prosecutrix at the relevant time is about 18 years 04 months. As per the prosecution story, on 25.03.2019 she made a report in police station alleging therein that she had developed friendship with the Applicant since January 2019 to March 2019 through Social Media. It is further alleged that Applicant used to call prosecutrix in the home of his uncle and had forcibly developed the physical relation with her. It is also alleged that the Applicant has threatened her and also assaulted her. . On the basis of said report, offence has been registered. The Applicant is in custody since 25.03.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute. He submits that virtually there was a love relationship between the present Applicant and prosecutrix and because of the relationship, prosecutrix herself made physical relation with the Applicant on her own will and consent. The Applicant was also ready to perform marriage with her but after some time he received the information that the prosecutrix had another relationship with one Manish Ratre and both have performed marriage and due to this reason the Applicant and prosecutrix broke-up with each other. He further submits that the Applicant is in custody since 25.03.2019, charge-sheet has already been filed and trial is likely to 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, particularly considering the allegations made against the Applicant, evidence collected by the prosecution, totality of the case and the fact that the Applicant is in custody since 25.03.2019 and trial is 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