

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3377 of 2019**

Kedarnath Rathiya S/o Ghuraaram Rathiya, aged about 22 Years, R/o Village Dhoram, P.S. Gharghoda, District- Raigarh, Civil And Revenue District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge Police Station Gharghoda, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate.
For Respondent/State : Mr. K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/07/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 39/2019, registered at Police Station – Gharghoda, District- Raigarh (C.G.) for the offence punishable under Sections 376 of IPC.
2. First bail application was dismissed for want of prosecution vide order dated 25.04.2019 passed in MCRC No.2241/2019.
3. In this case, age of the prosecutrix at the relevant time was about 18 years. As per the prosecution story, on 07.03.2019 prosecutrix of the case lodged a report in police station alleging therein that there was a love relationship between her and the present Applicant due to that, Applicant on the pretext of marriage, committed sexual intercourse with her in the month of December, 2018 and thereafter on several occasions he made sexual relations with her. On the basis of said report, offence has been registered. The Applicant has been arrested

on 08.03.2019.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He also submits that there was a love relationship between the present Applicant and the prosecutrix and due to that prosecutrix herself developed relationship with the Applicant. She was a consenting party. He further submits that the Applicant is in custody since 08.03.2019 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the the applicant is in custody since 08.03.2019 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.
8. Accordingly, the bail application is allowed.
9. 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