

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3225 of 2019**

- Haarun Rasid @ Pele S/o Manuwar Hussain Aged About 38 Years R/o Subhash Block, Jhopdipara, Police Station Manikpur, Police Station Kotwali, Tehsil And District Korba Chhattisgarh

**---- Applicant****Versus**

- State of Chhattisgarh Through Post Manikpur Police Station Kotwali, District Korba Chhattisgarh

**---- Respondent**

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For Applicant : Shri Anshul Tiwari, Advocate

For Respondent/State : Shri Rahul Mishra, GA

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****20/05/2019**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17.04.2019 in connection with Crime No.215/2019 registered at Police Station Kotwali, District Korba (CG) for the offence punishable under Sections 376 & 506 IPC.
2. As per the prosecution case, the applicant committed sexual intercourse with the prosecutrix in between the period from July, 2018 to October, 2018 while her husband was in jail. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case as the prosecutrix is a major and was a consenting party. He would further submit that there is a delay of 6 months in lodging the FIR as

the FIR has been lodged on 16.04.2019 and no explanation has been given with regard to the delay and the prosecutrix is a major, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the rival submissions and the gravity of the offence and also taking into the pretrial detention of the applicant as he is in jail since 17.04.2019 , I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Sanjay K. Agrawal  
Vacation Judge

Ashu