

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3797 of 2019**

- Pradeep Yadav S/o Ramkumar Yadav, Aged About 26 Years R/o Tarkakhand Police Station and Tahsil Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Tripathi, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**18/06/2019**

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. 69/2019, registered at Police Station – Balrampur, District- Balrampur-Ramanujganj, (C.G.) for the offence punishable under Section 376 (2)(n) of the Indian Penal Code.
2. In this case, age of the prosecutrix is about 23 years. As per the prosecution story, on 05.04.2019, prosecutrix lodged a report wherein it has been alleged that in the month of June, 2017, present Applicant on the pretext of marriage, committed sexual intercourse with the prosecutrix. Thereafter, on various occasions also, Applicant committed sexual intercourse with the prosecutrix and finally refused to marry her. On the basis of the said report, offence has been registered against the present Applicant. He has been taken into custody on 06.04.2019.
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 states that, from the F.I.R. lodged by the prosecutrix and other evidence collected by the prosecution, it seems that prosecutrix herself is a consenting party. He also submits that *prima facie* no offence under Section 376 of the IPC is made out against the Applicant. The Applicant is in custody since 06.04.2019 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.
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 06.04.2019 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