

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4533 of 2019**

- Abdulla Khan @ Dull S/o Sairaj Mohammad, Aged About 25 Years, R/o Gram Narayanpur, P.S. Ramanujganj, District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Ramanujganj, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pragalbha Sharma, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**08/08/2019**

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. 80/2019 registered at Police Station – Ramanujnagar, District – Surajpur, Chhattisgarh, for the offence punishable under Sections 376, 450 of IPC.
2. Brief facts of the case is that, prosecutrix is a married lady, aged about 25 years. As per the prosecution story, on 20.04.2019, prosecutrix lodged a written complaint in Police Station alleging therein that on 19.04.2019 around 12:00/1:00 midnight, she was sleeping in her house alongwith his 8 months child in her room. Her husband and father-in-law were sleeping outside the house whereas her mother-in-law and brother-in-law were sleeping in a separate room. Allegedly, at that time, present Applicant came inside the room of prosecutrix and committed forcible sexual intercourse with her. When child of the prosecutrix started crying, then Applicant hid underneath the cot. When Applicant was caught and villagers were called then he fled

away. On the basis of the said background, offence has been registered against the Applicant. He has been taken into custody on 01.05.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some previous enmity. He further submits that, if the entire case of prosecutrix is taken as it is, it appears that prosecutrix herself was a consenting party. Since, husband of the prosecutrix saw her in compromising position with the Applicant, therefore, Applicant has been falsely implicated. Applicant is in custody since 01.05.2019, charge-sheet has 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, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 01.05.2019, charge-sheet has been filed 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

