

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4609 of 2019**

Chandresh Dubey, S/o. Yogesh Dubey, Aged About 27 Years, R/o. Purani Basti Katghora, Tahsil - Katghora, District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station : Kartala, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pandey, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/08/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.122/2019, registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 376, 506, 342 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 23.05.2019. No case is made out against the applicant. The prosecutrix has herself stated in her written complaint that she and the applicant had physical relation since about one and half years prior to lodging of FIR, therefore, she had been a consenting party. Therefore, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that in the FIR, it is stated that the applicant got acquainted with the

prosecutrix prior to one and half years and the applicant committed the offence on 21.05.2019, therefore, it is not a case of previous relation, therefore, the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant by putting the prosecutrix under threat committed forceful sexual intercourse with her. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. On perusing the contents of the written complaint and the FIR, it appears that the relation between the applicant and the prosecutrix continued for one and half years, therefore, any absence of consent of the prosecutrix shall be examined in the trial but for the present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge