

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5340 of 2019**

- Anuj Kumar Rajwade, S/o Lalan Ram Rajwade, aged about 20 years, Caste Rajwar, R/o village Baierpara, Girwarganj, P.S. & Tehsil Surajpur, District Surajpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer Surajpur, District Surajpur (C.G.)

---- Respondent

For Applicant	:	Shri Surfaraj Khan, Advocate
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/10/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.34/2019, registered at Police Station – Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 450 and 376 of IPC.
2. The prosecution story, in brief, is that on 26.01.2019, the prosecutrix lodged a written report alleging therein that on the date of incident at about 11.00 AM, when her husband and father-in-law and mother-in-law went to the field, the applicant entered her house and committed sexual intercourse with her against her will. On the basis of said report, offence has been registered. Present applicant has been taken into custody on 13.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is a consenting party to the act of the applicant and the report was lodged only after when her husband saw her in compromise position. He also submits that the applicant is in custody since 13.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicant is in custody since 13.07.2019 and the 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 his executing a personal bond for a sum of Rs.25,000/- 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/-

(Rajani Dubey)
Judge