

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 5745 of 2019**

- Lalmohan Kashyap S/o - Girvar Kashyap Aged About 23 Years  
R/o - Purandih, Police Station Ramanujganj, District Balrampur-  
Ramanujganj Chhattisgarh.

---- Applicant

**Versus**

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

---- Respondent

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| For Applicant  | : | Mr. P.K. Patel, Advocate. |
| For Respondent | : | Ms. Akshara Amit, P.L.    |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****07/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 123/2019 registered at Police Station - Ramanujganj, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 376 (2)(N) of the IPC.
- The prosecution story in brief is that the present applicant/accused has committed sexual intercourse with the prosecutrix on the pretext of marriage. Thereafter, on the basis of above facts, offence has been registered against the applicant and the applicant was arrested 10.07.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Charge-sheet has already been filed. He further submits that the age of the prosecutrix is about 21 years and she was also a consenting party. The applicant is jail since 10.07.2019,

there is no previous antecedent against him, therefore, the present appellant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix and further considering the detention period of the applicant and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the 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 said Court on each and every date given to him by the said Court.

**Sd/-**  
**(Rajani Dubey)**  
Judge