

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6020 of 2019**

- Dhannu Gond, S/o Shankar Gond, Aged About 27 Years, R/o Village - Hathlewa, Police Station Bazar Charbhataha, Tahsil Sahaspur Lohara, District Kabirdham (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through- Station House Officer, Police Station Sahaspur Lohara, District Kabirdham (C.G.).

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	: Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 127/2019 registered at Police Station Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Section 376 of IPC.
2. The prosecution story, in brief is that, the present applicant came to village Vicharpur for fixation of marriage with the victim. After 4 days, the present applicant called the complainant on pretext of marriage and committed continuously forcibly sexual intercourse with her. It is further alleged that victim become pregnant and delivered a male child. It is further alleged that the present applicant accepted the child but refused to keep the victim with him.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix has clearly stated in her statement that she herself went to the present applicant on his call

and therefore free consent was given by her for having physical relationship. The applicant is in jail since 23.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecutrix is aged about 25 years old. The applicant is in jail since 23.08.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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