

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6380 of 2019**

- Arun Dinkar S/o Shri Laxman Dinkar Aged About 21 Years, R/o Village Godadeeh Police Station Pachpedi Tahsil Masturi District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station In-charge Pachpedi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Suresh Kumar Pandey, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.
For Objector	:	Mr. Ravi Maheshwari, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/11/2019**

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. 92/2019 registered at Police Station Pachpedi, District-Bilaspur (C.G.) for the offence punishable under Sections 366, 376 and 313 of the IPC.
2. The prosecution story, in brief is that on 23.08.2019 the prosecutrix lodged a report that she had having love relationship with the accused prior to 05 years but on 25.04.2019 the accused got married with one Sonika but their relationship got remained continue and in the same connection she left her parental house on 12.08.2019 at late night along with accused and thereby got solemnized marriage with him. Thereafter, both stayed at lodge and on 15.08.2019 the accused brought her to his house where she remained in his house till 18.08.2019, after that his relatives had ousted her from their house as the accused had also left his house.

She also alleged that he has aborted by giving medicine. Based on this offence has been registered against the present applicant.

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 age of the prosecutrix is above 19 years. The applicant is in jail since 04.09.2019, 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 and objector oppose 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, detention period of applicant and further considering the facts that the age of the prosecutrix is above 19 years and the present applicant is in jail since 04.09.2019 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**