

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6579 of 2019**

- Salil Sahu Alias Poonam Chand S/o Alakh Ram Sahu, Aged About 31 Years, R/o Malviya Nagar, Durg, District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Police Station Supela District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.S. Baghel on behalf of Mr. Aditya Tiwari, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/12/2019**

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. 687/2018 registered at Police Station-Supela, District-Durg (C.G.) for the offence punishable under Section 376 of the IPC.
2. The prosecution story, in brief is that prosecutrix lodged a written report that on 22.12.2017 the present applicant took her Ram Nagar on pretext of marriage and committed sexual intercourse with her. It is also alleged that on 13.02.2018 the present applicant again committed sexual intercourse with her and on pretext of marriage continuously four months he committed sexual intercourse with her. When the prosecutrix came to the knowledge that the present applicant is already married prosecutrix lodged a report against the present applicant. 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 prosecutrix is a married lady and the age of the prosecutrix is about 48 years. The applicant is in jail since 01.08.2018, 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, detention period of applicant and further considering the facts that the prosecutrix is aged about 48 years and she is a married lady. The present applicant is in jail since 01.08.2018 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**