

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6435 of 2019**

- Muleshwar S/o Pratap Lodhi, aged about 22 years, R/o village Dilippur, P.S. & Tehsil Khairagarh, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station Khairagarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri S.S. Baghel, Adv.
For Respondent	:	Shri Akhtar Hussain, P.L.

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

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.291/2019, registered at Police Station - Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 366, 376 IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story, in brief, is that the applicant by alluring the prosecutrix of marriage took her to Sukwaro's godown where he committed forcible sexual intercourse with her, thereafter, the applicant married her and it was when the present applicant started assaulting the prosecutrix, she lodged the complaint. Based on this, offence has been registered. The present applicant has been taken into custody on 16.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that there is no incriminating material against the applicant, the prosecutrix was a consenting party to the act of the applicant and as such no case is made out against the applicant. He also submits that the applicant is in custody since 16.08.2019 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 counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 16.08.2019 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge