

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6562 of 2019**

- Krishna Patel S/o Late Kameshwar Aged About 53 Years, R/o Parasdiha, Police Chowki - Wadrafnagar, District - Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : In-charge, Police Chowki - Wadrafnagar, Police Station - Basantpur, District - Balrampur - Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Adv.
For Respondent/State	:	Mr. Anurag Verma, 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. 115/2019 registered at Police Chowki-Wadrafnagar, Police Station-Basantpur, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 450 and 376 of the IPC.
2. The prosecution story, in brief is that on 16.07.2019, the prosecutrix was alone in her house and her husband went to Panchayat Bhawan for depositing ration card, at that time, the applicant came in the house of prosecutrix and committed sexual intercourse with her, when, her husband reached to house on seeing the husband of prosecutrix, the applicant apologized himself. 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 about 45 years.

The applicant is in jail since 19.07.2019, 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, detention period of applicant and further considering the facts that the age of the prosecutrix is about 45 years and the present applicant is in jail since 19.07.2019 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**