

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6628 of 2019**

- Devanand Sahu, age 30 years, S/o Ghanshyam Sahu, R/o village Parsatthi, P.S. - Fingeshwar, District - Gariyaband (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Fingeshwar, District Gariyaband (C.G.)

---- Respondent

For Applicant	:	Shri Mohammad Afroz Athar, Adv.
For Respondent	:	Ms. Reena Singh, P.L.

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

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.183/2019, registered at Police Station - Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Section 376 IPC.
2. The allegation against the present applicant is that he first performed marriage with the prosecutrix in a temple, thereafter, committed consensual sexual intercourse with the prosecutrix, who is lady constable aged 30 years divorced by her previous husband, saying that he (the applicant) has also divorced his first wife. After some time, he stopped talking to the prosecutrix saying that no divorce has been taken place between him and his first wife and he wants to live with his first wife. Based on this, offence has been registered. The present applicant has been taken into custody on

20.09.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is major and she is consenting party to the act of the applicant. He also submits that the applicant is in custody since 20.09.2019 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 20.09.2019, charge sheet has been filed 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