

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6653 of 2019**

- Deenu Sharma aged about 29 years, S/o Late Shri Dwarika Prasad Sharma, R/o Ward No.19, Tulsi (Newra), P.S. Tilda Newra, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Tilda Newra, District Raipur (C.G.)

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Adv.
For Respondent	:	Shri Anurag Verma, 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.344/2019, registered at Police Station – Tilda Newra, District Raipur (C.G.) for the offence punishable under Sections 376 (D) and 506 IPC.
2. The allegation against the present applicant is that he first gave lift to the prosecutrix in his car saying that he will leave her to her house but instead thereof, the prosecutrix was taken to forest where the applicant committed rape with the prosecutrix in car. Based on this, offence has been registered. The present applicant has been taken into custody on 31.07.2019
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 has reported the matter

to police after five days of the incident and, according to the doctor's report, no definite opinion could be given about the commission of rape. He also submits that the applicant is in custody since 31.07.2019 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 31.07.2019, 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