

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6792 of 2019**

- Shubham Mishra S/o Santram Mishra Aged About 24 Years, R/o Ward No. 12 Chakarbhatha, Police Station - Chakarbhatha, District - Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station Chakarbhatha, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Hemant Kesharwani, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2019**

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. 144/2019 registered at Police Station-Chakarbhatha, District-Bilaspur (C.G.) for the offence punishable under Sections 376 and 312 of the IPC.
2. The prosecution story, in brief is that on 19.08.2019 the prosecutrix lodged a report that the present applicant on pretext of marriage committed sexual intercourse with her prior to one year, due to this, she became pregnant, thereafter, pregnancy was aborted by her and the present applicant denied to marrying with her. 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 above 28 years and she is a married lady. The applicant is in jail since 20.08.2019,

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 above 28 years and the present applicant is in jail since 20.08.2019 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**