

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7364 of 2019**

- Shyam Wadhwani, aged about 45 years, S/o Shri Jairam Das Wadhwani, R/o House No.A/44, Garden City, Beside Rahul Dhaba, Mopka Road, Mopka, Police Station – Sarkanda, Tahsil & District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Sarkanda, Tahsil & District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri Ratnesh Kumar Agrawal, Adv.
For Respondent	:	Shri Vaibhav Kartikeya Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/11/2019**

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.962/2019, registered at Police Station – Sarkanda, District Bilaspur, (C.G.) for the offence punishable under Sections 376 and 506 IPC.
2. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix from 2004 to 2019 on the pretext of marriage and when the prosecutrix asked for marriage, the applicant threatened her for dire consequences and refused to marry her. Based on this, offence has been registered. The present applicant has been taken into custody on 03.11.2019.
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 in live-in-relation with

the applicant for last 15 years and the live-in-relation is not an offence. He also submits that the applicant is in custody since 03.11.2019, the matter is under investigation 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, gravity of offence and further considering the fact that the applicant is in custody since 03.11.2019 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