

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 105 of 2020**

Sameer Hussain, S/o Anwar Hussain, Aged about 25 years, R/o Ambikapur,
Rasulpur, Police-Station Ambikapur, District – Sarguja (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Tarbahar,
District Bilaspur (C.G.)

----Non-applicant

For Applicant	: Mr. Rahul Agrawal, Advocate.
For Non-applicant/State	: Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****13/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 355/2019 registered at police Station Tarbahar, District Bilaspur (C.G.) for the offence punishable under Sections 323, 376 & 506 of the Indian Penal Code.

(2) Case of the prosecution in brief is that the applicant, on the pretext of marriage, committed continuously sexual intercourse with the prosecutrix, who is aged about 21 years and thereafter when she asked for marriage, the applicant threatened her to life and assaulted her also and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant would submit that the prosecutrix is major girl and she is consenting party to the act of the applicant. He submits that applicant is in detention since 10.12.2019; charge sheet has already been filed and as the trial is likely to take some

for its final disposal, applicant should be enlarged on regular bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 10.12.2019; charge sheet has already been filed; prosecutrix appears to be major girl i.e. 21 years of age and the trial is likely to take some time for its final disposal and no further custodial interrogation is required; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

