

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 254 of 2020**

- Ajay Bargah, S/o Shri Pradhan Bargah, Aged About 24 Years, R/o Village Maheshpur, Out Post- Latori, Police Station- Jaynagar, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station In Charge of Out Post- Latori, Police Station- Jaynagar, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Soniya Kuldeep, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2020**

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. 329/2019 registered at Police Station- O.P.- Latori, Police Station- Jaynagar, District- Surajpur, (C.G.) for the offence punishable under Sections 376, 342 & 506 of IPC.
2. The prosecution story, in brief is that, on 24.11.2019 at about 11.00 PM, prosecutrix along with her mother and mother-in-law went to see programme, at about 1:30 AM, when she went to answer the natural call then present applicant took her with him and committed sexual intercourse with her and also threatened to kill her and kept in room by lock the door from out side. Thereafter, 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. She further submits that the charge-sheet has already been filed. The applicant is in jail since 01.12.2019, 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, and further considering the facts that the charge-sheet has already been filed. The applicant is in jail since 01.12.2019 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**