

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 287 of 2020**

- Narendra Kumar Ray, son of late Shri Permanand Ray, aged about 28 years, resident of village Tikari, P.S. Masturi, District Bilaspur (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Rajeev Kumar Dubey, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****25/02/2020**

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.07/2020, registered at Police Station – Masturi, Civil and Revenue District Bilaspur (C.G.) for the offence punishable under Sections 366 and 376 IPC.
2. The allegation against the present applicant is that he has been committing sexual intercourse with the prosecutrix for last three years on the pretext of marriage and when prosecutrix forced the applicant to marry her, he started harassing the family members of the prosecutrix physically and mentally and also used filthy language. Based on this, offence has been registered. The present applicant has been taken into custody on 02.01.2020.
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 aged about 24 years

and she is a consenting party to the act of the applicant. He also submits that the parties have arrived at compromise and an affidavit to this effect has also been filed by the prosecutrix before the trial Court. It is next submitted that the applicant is in custody since 02.01.2020 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 opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix is major aged about 24 years, 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, till the final disposal of trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge