

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 638 of 2020**

- Ikrar Ansari S/o Serajuddin, aged about 19 years R/o Dolangi P.S. Ramchandarpur, District Balrampur – Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, P.S. Ramchandarpur, District Balrampur Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/03/2020**

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.52/2019, registered at Police Station – Ramchandarpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 (2) (n) IPC.
2. The allegation against the applicant is that in the month of June, 2019, he committed forcible sexual intercourse with the prosecutrix in forest on the pretext of marriage and thereafter continued to do same. Further, on 12.11.2019 he committed sexual intercourse with the prosecutrix and then denied to marry her. Based on this, offence has been registered. The present applicant has been taken into custody on 18.12.2019.
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 major and married

lady having two children and she is the consenting party to the act of the applicant. He next submits that the applicant is in custody since 18.12.2019, charge sheet has been filed 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 lady, applicant is in custody since 18.12.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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 the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge