

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 623 of 2020**

- Babulal Singh S/o Nar Singh, aged about 21 years, R/o Ganjiya, P.S. Kusmi, District – Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station Kusmi, District Balrampur - Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Adv.
For Respondent	:	Shri V.K. Agrawal, 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.117/2019, registered at Police Station – Kusmi, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 306, 363, 366, 376(2-n) IPC.
2. Allegation against the present applicant is that he abducted the prosecutrix and took her to Ranchi, thereafter, again on 04.04.2019 he allured the prosecutrix and took her along with him to Dhourpur on the pretext of marriage, kept her there till 21.05.2019, committed sexual intercourse with her and then she was harassed mentally and physically and also refused to marry her as a result of which she hanged herself on 22.05.2019. Based on this, offence has been registered. The present applicant has been taken into custody on 02.10.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that there was love affair between the deceased and the applicant but the parent of deceased was against the applicant and it is the prosecutrix who accompanied the applicant of her own. He also submits that the report of incident was lodged after delay of about 5 months but no satisfactory explanation has been given in this regard. It is next submitted that the applicant is in custody since 02.10.2019, 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 applicant is in custody since 02.10.2019, 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 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