

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 759 of 2020**

- Atul Yadav S/o Shri Udaynath Yadav Aged About 19 Years R/o Rauni Road Kurumkela Ward No. 10, Police Station - Bagicha, District - Jashpurnagar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station In Charge Police Station - Samripath, District - Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Soniya Kuldeep, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 47/2019 registered at Police Station – Samaripath, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 366 & 376 (2)(n) of IPC.
2. As per the prosecution case, the allegation against the present applicant is that after persuading, he committed sexual intercourse with the prosecutrix against her will and continuously and repeatedly did the same. Based on that, after investigation, offence has been registered against him and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She next submits that the prosecutrix is about 35 years of age and there was love affair between the prosecutrix and

applicant. The applicant is in jail since 10.10.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel 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, age of the prosecutrix, as applicant is in jail since 10.10.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu