

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1007 of 2020**

- Gajendra Rajput S/o Raghunandan Rajput, aged about 20 years, R/o Kandel, Police Station Arjuni, Tahsil and District Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police of Police Station – Arjuni, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	Shri Anil Gulathi, Advocate
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/03/2020**

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.29/2020 (wrongly mentioned as 29/19 in the certified copy), registered at Police Station – Arjuni, District Dhamtari (C.G.) for the offence punishable under Sections 376 IPC.
2. The allegation against the applicant is that he was committed sexual intercourse with the prosecutrix for last three year on the pretext of marriage and when she became pregnant the applicant refused to marry her. Based on this, offence has been registered. The present applicant has been taken into custody on 19.01.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there was love affair between them and she is consenting party to the act of the applicant. He also submits that the prosecutrix has filed an affidavit (Annexure

A-2) wherein she has stated that they both are ready to marry and did not oppose the bail application. He next submits that the applicant is in custody since 19.01.2020 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 applicant is in custody since 19.01.2020 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge