

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1825 of 2020**

- Prakash Sahu son of Shri Parmanand Sahu, aged about 25 years, R/o village Matidarha, Police Station Sankara, Tahsil Pithora, District Mahasamund (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Raghavendra Pradhan, Adv.
For Respondent	:	Shri Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/07/2020**

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.16/2020, registered at Police Station – Sankara, District Mahasamund (C.G.) for the offence punishable under Sections 376, 366, 506(B)/34 IPC.
2. The prosecution story, in brief, is that the present applicant was having love affair with the prosecutrix for last 3-4 years and they used to talk over telephone. Thereafter, as the marriage of both of them was fixed at different places, the applicant threatened the prosecutrix that he will send old photographs and recording to her proposed husband and called her to Raipur, where with the help of co-accused Vasudeo, he committed rape with her in professor colony and refused to marry her. Based on this, offence has been registered. The present applicant has been taken into custody on 20.02.2020.

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 applicant is in custody since 20.02.2020, 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 record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix appears to be major, 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