

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3597 of 2020**

- Peman Lal Sinha S/o Dhannuram Sinha Aged About 28 Years By Caste Kalar, R/o Village Ukari, Tahsil And Thana Charama, District U.B. Kanker, Chhattisgarh

---- Petitioner**Versus**

- The State Of Chhattisgarh Through Police Station Kanker, District U.B. Kanker Chhattisgarh

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/07/2020**

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.92/2020, registered at Police Station - Kanker, District Kanker (C.G.) for the offence punishable under Sections 376, 294 and 506 IPC.
2. The allegation against the present applicant is that he had been committing sexual intercourse with the prosecutrix since 2014 on the pretext of marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 07.03.2020.
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 widow aged about 39 years and she is a consenting party to the act of the applicant. He also submits that the applicant is in custody since 07.03.2020, 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 is 39 years of age, the applicant is in custody since 07.03.2020, 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge