

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3449 of 2020**

- Prashant Chandrakar, S/o late Ramanuj Chandrakar, aged about 30 years, R/o village Bemcha, P.S. Mahasamund, District Mahasamund (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through, P.S. Mahasamund, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Prafull N. Bharat, Adv.
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/07/2020**

Heard.

Admit.

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.87/2020, registered at Police Station - Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 376, 506, 294, 323 & 342 IPC (wrongly mentioned as 394 in order sheet).
2. The prosecution story, in brief, is that on 15.02.2020 when the prosecutrix went to the house of applicant and pressurized for marriage, he in presence of his mother and other servants, threatened her and thereafter illegally confined her inside the room and forcefully committed rape. Further case is that the applicant called his cousin brother (co-accused) who criminally intimidated the prosecutrix. Based on this, offence has been registered. The present applicant has been taken into custody on 15.02.2020.
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 date of incident is 27.08.2017 and the report was lodged on 16.02.2020 and thus the prosecutrix is consenting party to the act of the applicant. He also submits that the prosecutrix was a major lady and only because of the reason that the applicant denied to perform marry, she lodged a false and frivolous complaint. It is next submitted that the applicant is in custody since 15.02.2020, 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. Learned State counsel submits that as per the FIR, on 15.02.2020, when the prosecutrix went to the house of applicant, he tide her hands and committed rape with her as a result of which she sustained injury on her hand. He also submits that the prosecutrix was rescued by the police after dialing 112 number.
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 present applicant is in custody since 15.02.2020, 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 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 the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge