

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4474 of 2020

- Bhanu Pratap Diwakar, S/o. Rajkumar Diwakar, Aged about 22 years, R/o. Village Madhaipur, PS Baloda, District Janjgir-Champa CG

---- Applicant

Versus

- State Of Chhattisgarh, Through District Magistrate Janjgir, Police of Police Station Baloda, district Janjgir-Champa CG

---- Respondent

For Applicant : Shri N.K.Chatterjee, Advocate
For Respondent /State : Shri Rahul Jha, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

25/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 148/2020 registered at police station Baloda, District Janjgir-Champa (CG) for the offence punishable under Sections 376 IPC.

As per prosecution case, report was lodged by the prosecutrix alleging that the applicant developed physical relations with her on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix is

major and was a consenting party. He submits that the applicant is in jail since 26.06.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge