

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4637 of 2020**

- Sumit Jaiswal S/o Shri Bhola Jaiswal, aged about 19 years, R/o Sanjay Nagar, Jhanda Chowk, Police Station Tikrapara, District Raipur (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****14/09/2020**

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.269/2020 registered at Police Station – Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 366 and 376 IPC.
2. The allegation against the applicant is that he committed sexual intercourse with the prosecutrix many times on the pretext of marriage, as a result of which she became pregnant and thereafter he refused to marry with her. Based on this, offence has been registered. The present applicant has been taken into custody on 01.07.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the prosecutrix is major lady, there was love affair between them and she was the consenting party to the act of the applicant. She also submits that the applicant is in custody since 01.07.2020, charge sheet has not 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 applicant is in custody since 01.07.2020 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