

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4584 of 2020**

- Brijlaal Yadav, S/o Ramkumar Yadav, Aged about 35 years, R/o Navgai, PS Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, PS-Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Sanjay Pathak, Advocate.
For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

28/08/2020

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 36/2019 registered at Police Station- Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 and 451 of the IPC, 1860.
2. The prosecution story in brief is that, on 02.12.2019 an FIR was lodged by the prosecutrix with the averment that on 29.11.2019 when she was alone at her home, the present applicant was entered into house and asked her to watch TV and thereafter committed forcefully sexual intercourse with her and on the basis of the report, FIR under Sections 376 and 451 of the IPC has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix is a major lady and also consenting party, therefore, prima facie offence under Section 376 of IPC is not made out against the present applicant.

He next submits that the applicant is in jail since 28.05.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 28.05.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**