

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4528 of 2020**

- Naval Kishore Dubey S/o Shri Maniram Dubey aged about 51 years, R/o House No. 5, Ward No. 6, Yadunandan Nagar, Tifra, P.S. Sirgitti, Tehsil & District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Sakri, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Adv.
For Respondent/State	:	Mr. Rahul Jha, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/08/2020**

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. 13/2020 registered at Police Station Sakri, District-Bilaspur (C.G.) for the offence punishable under Section 376 of the IPC.
2. The prosecution story, in brief is that, on 23.01.2020 prosecutrix lodge an FIR that the applicant is a property dealer and in 2013 the applicant show a property to sell the prosecutrix and took an advance of Rs. 11,00,000/- but the applicant did not provide that property nor returned the money. It is also alleged that in the month of April applicant said that Rs. 50,000/- has been arranged and called to the prosecutrix in the house of Durgesh Sahu at village Saida, when prosecutrix reached at the said place the applicant offered her a cold drink after consumption of the cold drink the prosecutrix was unconscious. Thereafter The applicant committed sexual intercourse with the prosecutrix and made an obscene video and threatened her to viral the video.
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 applicant has already returned Rs. 4,60,000/- to the prosecutrix and an agreement of returning the remain amount of Rs. 6,40,000/- with interest total Rs. 9,00,000/- has been executed between applicant and prosecutrix. He next submits that the applicant is in jail since 21.05.2020, 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 an agreement of returning the remain amount of the prosecutrix has been executed between the prosecutrix and applicant which is annexed as annexure-A/2. The applicant is in jail since 21.05.2020, 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**