

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4774 of 2020**

- Itwariram S/o Shri Anesingh Gond, aged about 55 years, R/o Village-Kaasipur, Thana- Charama, District Uttar Bastar Kanker (C.G.)

---- Applicant

**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station Charama, District Uttar Bastar Kanker Chhattisgarh.

---- Respondent

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| For Applicant.       | : | Mr. Sunil Sahu, Advocate. |
| For Respondent/State | : | Mr. Rahul Jha, G.A.       |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****01.09.2020**

1. The applicant has filed this first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 114/2020 registered at Police Station Charama, District Uttar Bastar Kanker (C.G.) for the offence punishable under Section 376 of the IPC.
2. The allegation against the present applicant is that he has committed sexual intercourse with the prosecutrix by alluring her in the name of giving her money. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as per the prosecution case the

prosecutrix is said to be mentally retarded but there is no medical certificate available to prove her mental state. As the applicant is in jail since 18.06.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. On the other hand, State counsel strongly opposes the bail application submitting that looking to the nature and gravity of the offence, applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of the counsel, nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 18.06.2020 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 said Court on each and every date given to him by the said Court.

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