

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4708 of 2020**

- Viswanath @ Bisnath Besra S/o Mongal Besra aged about 35 years, R/o 72, Awasplot Chokawada, Dhanpunji, Tahsil Jagdalpur, District-Bastar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Police Station Nagarnaar, District-Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, Adv.
For Respondent/State	:	Mr. Vimlesh Bajpai, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/08/2020**

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. 59/2020 registered at Police Station Nagarnaar, District-Bastar (C.G.) for the offence punishable under Sections 376 and 323 of the IPC.
2. The prosecution story, in brief is that, on 21.03.2020 prosecutrix lodged a complaint that when she consumed liquor and was in drunken condition, slept near one Gangaram fencing and when she went to her home at that time present applicant came there and took her near Bodra forest and committed forcefully sexual intercourse with her. Based on this offence 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 applicant is in jail since 23.03.2020, 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 23.03.2020, 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**