

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5307 of 2020**

- Mithun Nayak, S/o Top Singh, Aged About 28 Years, R/o Village- Pandar, Police Station- Patan, Tahsil- Patan, District- Durg (C. G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through: The Station House Officer, Police Station- Patan, District- Durg (C. G.).

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Adv.
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.09.2020**

1. The matter is heard through video conferencing.
2. 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. 216/2019 registered at Police Station- Patan, District- Durg (C.G.) for the offence punishable under Sections 376, 450, 323 of IPC.
3. The prosecution story, in brief is that on 25.12.2019, at about 10:00-11:00 AM, applicant came to the house of the prosecutrix and forcefully committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
4. 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 charge-sheet has been filed

and the prosecutrix is a major lady. The applicant is in jail since 25.12.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is no internal injury on the body of the prosecutrix. He next submits that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix is a major lady and the applicant is in jail since 25.12.2019 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.
8. 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**

Ruchi