

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4727 of 2020**

- Dharmendra, S/o Rajesh, Aged about 27 years, R/o Village Fulkona, PS and Tahsil Premnagar, District Surajpur (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For Objector	:	Mr. A.N. Pandey, Advocate.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/09/2020**

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. 206/2020 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, a report was lodged by the victim against the present applicant alleging in it that the applicant used to establish physical relationship with the victim since November, 2012 and the marriage of the applicant fixed with Mamta Das, since the report was lodged by the victim.
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 it is a case of consent, where the applicant and the victim remain together for a period of long time. He next submits that the applicant is in jail since 04.06.2020, 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 he submits that on the pretext of marriage, the present applicant made physical relationships with the victim and allegation made 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 04.06.2020, 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 present applicant on bail. Accordingly, the bail 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 them by the said Court.

Certified copy, as per rules.

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

Vasant