

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4701 of 2020**

- Sanjeev Bhagat S/o Devnath Ram Bhagat aged about 23 years, R/o Village Bangaon, P.S. Farshababar, Tahsil Kunkuri, District-Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station Kunkuri, District-Jashpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dilman Rati Minj, Adv.
For Respondent/State	:	Mr. Rahul Jha, 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. 26/2020 registered at Police Station Kunkuri, District-Jashpur (C.G.) for the offence punishable under Sections 120-B, 342, 506-B, 366 and 376 of the IPC.
2. The prosecution story, in brief is that, on 08.04.2020 the complainant lodged a written complaint that the applicant has committed rape twice in the month of December, 2017, and she recently disclosed this fact to her family members and lodged a complaint thereof. 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 alleged offence has been committed in the month of December, 2017, and the complaint was moved on 08.04.2020 which itself shows that the alleged offence is after thought of implicating the present applicant falsely, there is delay of more than two and half years in lodging

FIR. He also submits that the age of the prosecutrix is 24 years and the applicant is in jail since 17.06.2020, 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 submits that the allegation against the applicant is of serious in nature; applicant impersonated himself as naxalite, threat the victim, therefore, she has not lodged the report prior, thus, 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 17.06.2020, 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 trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge