

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5040 of 2020**

- Dilip Kumar Kolta, S/o Muktiyar Kolta, Aged about 22 years, R/o village Khajuri, Thana Darima, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, through–Station House Officer, PS Dhourpur, District Surguja (C.G.)

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate.
For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/09/2020**

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. 21/2020 registered at Police Station- Dhourpur, District Surguja (C.G.) for the offence punishable under Sections 366 and 376 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, as per FIR, on the pretext of marriage, the present applicant made continuously physical relation with the prosecutrix for four years and thereafter, the applicant denied to marry with her. Based on this, offence has been registered against the present applicant and he has been taken into custody.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is a love affair between the applicant and the prosecutrix since many years. Thereafter, the prosecutrix herself has gone with some other person and their relations were came to an end but, after sometime with mala-fied intention she has lodged the report against the applicant. He next submits that the applicant is in jail since

09.07.2020, 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 09.07.2020, 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 him by the said Court.

Certified copy, as per rules.

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