

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5022 of 2020**

- Tomeshwar Kumar Sinha @ Tameshwar Sinha, S/o Ramavtar Sinha, Aged About 21 Years, R/o Village- Girgaon, Police Station- Dongargaon, District- Rajnandgaon (C. G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through- Police Station- Dongargaon District- Rajnandgaon (C. G.).

---- Respondent

For Applicant : Mr. Arvind Dubey, Adv.

For Respondent/State : Mr. H.S. Ahluwalia, Dy. A. G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.09.2020**

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. 197/2019 registered at Police Station- Dongargaon District- Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506(B), 34 of IPC.
2. The prosecution story, in brief is that complainant lodged a report alleging that another co-accused namely Subhas has forcefully committed sexual intercourse with the help of present applicant and recorded an obscene video and also blackmailed her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 main allegations made against co-accused person namely Subhas. He next submits that prosecutrix is a major lady and the applicant is in jail since 07.07.2020 and 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 the submission made in this respect. It is submitted that offence committed by the present 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, and further considering the facts that main allegations made against co-accused person namely Subhas. He next submits that prosecutrix is a major lady and the applicant is in jail since 07.07.2020 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 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**

Ruchi