

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4896 of 2020**

- Arjun Kewat S/o Late Dhananjay Kewat aged about 22 years, R/o Village Nareshpur, P.S. Surajpur, Tahsil & District-Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through – S.H.O., Police Station-Surajpur, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Gyan Prakash Shukla, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/09/2020**

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. 200/2020 registered at Police Station Surajpur, District-Surajpur (C.G.) for the offence punishable under Sections 294, 323, 376(2)($\leq$) and 427 of the IPC.
2. The prosecution story, in brief is that, on 16.05.2020 the prosecutrix lodge an F.I.R. that the since past three years on pretext of marriage the applicant have repeatedly committed sexual intercourse with her. Thereafter, when the prosecutrix put pressure on the applicant for getting marriage, reacting to this the applicant started abusing her and also beaten her. 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 there is delay of more than four years in lodging the F.I.R. which itself shows that the

complainant have lodged this F.I.R. by giving it to colour version as well as the case is entirely based on after thought process. He also submits that the age of the prosecutrix is 26 years and the applicant is in jail since 03.06.2020, 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; 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 03.06.2020, 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**