

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4806 of 2020**

- Rakesh Bhaskar, S/o Anuj Ram Bhaskar, Aged about 26 years, R/o Village Nanapuri, PS Kunda, Tahsil Pandariya, District Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – District Magistrate, Kabirdham, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/09/2020**

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. 105/2020 registered at Police Station- Kunda, District Kabirdham (C.G.) for the offence punishable under Sections 376, 450 and 506 of the IPC, 1860.
2. The prosecution story in brief is that, on 03.07.2020, the prosecutrix preferred a written report before the Police Station Kunda, District Kabirdham (C.G.) alleging inter alia that on 02.07.2020 at about 09:00 pm when she was sleeping with her children in her house. It is alleged that the present applicant entered into her house and committed forcibly sexual intercourse with her by pressing mouth and when she shouted for help then her father-in-law and mother-in-law came there and the present applicant escaped from there by threatening her to cause death on disclosing the matter to anyone.
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 prosecutrix is a major lady and furthermore report has been lodged by the prosecutrix, when she was caught red handed. He next submits that the applicant is in jail since 04.07.2020, 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 04.07.2020, 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**