

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4979 of 2020**

- Devpal S/o late Dharampal, aged about 35 years, R/o Camp-1, Bhilai, Tehsil and District Durg (C.G.)

---- Petitioner**Versus**

- The State Of Chhattisgarh Through : The District Magistrate, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Adv.
For Respondent	:	Shri Rahul Jha, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****15/09/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.149/2020, registered at Police Station - Vaishali Nagar, Bhilai, District Durg (C.G.) for the offence punishable under Sections 376(2)(d) and 506 IPC.
2. The prosecution story, in brief, is that the prosecutrix was working as maid in the house of applicant for taking care of his mother. On 12.06.2020 at mid night, the applicant went to the servant quarter of the prosecutrix and committed sexual intercourse with her which was seen by her 12 year son, who narrated the story to his father. Based on this, offence has been registered. The present applicant has been taken into custody on 15.06.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is major lady and she was the consenting party to the act of the applicant. He also submits that the applicant is in custody since 15.06.2020 and

there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix is major lady, the applicant is in custody since 15.06.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge