

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5188 of 2020**

- Mohd. Hussain Ansari S/o Jaan Mohammad, aged about 45 years, R/o Village Kalyanpur, Tahsil Ramanujnagar, Police Station and District Surajpur (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station Officer, Police of Police Station Surajpur, District Surajpur (CG)

---- Respondent

 For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri H.S. Ahluwalia, Dy. Advocate General

Hon'ble Smt. Justice Rajani Dubey
Order On Board

21.09.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.112/2020, registered at Police Station Surajpur, District Surajpur(CG) for the offence punishable under Sections 376 (2) (n), 506 of the IPC.
3. As per the case of prosecution, the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage saying that his wife is suffering from blood cancer and he needs someone to look after her, but thereafter he could not perform marriage.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the prosecutrix is a major lady and she was in love with the

applicant and was a consenting party. He submits that the applicant is in jail since 08.6.2020 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the prosecutrix is a major lady and trial may take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE