

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5430 of 2020**

- Deepchand Sinha S/o Bhuturam Sinha, aged about 38 years R/o Village- Nawagaon, Post- Gudha, Out Post Dashrangpur, Police Station - Pipariya, Tahsil Kawardha, District Kabirdham (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant. : Mr. Dharmesh Shrivastava, Adv.
 For Respondent/State: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

1. The applicant has filed this **first bail application** filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 212/2020 registered at Police Station Pipariya, Out Post-Dashrangpur, District Kabirdham (C.G.) for the offence punishable under Sections 376, 450 & 506 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he has committed rape with the prosecutrix and threatened her not to disclose the fact to anyone

and established repeated and continuous physical relationship with the prosecutrix. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.

3. The submission made by learned counsel for the applicant is that the applicant has been falsely implicated in the crime in question. He further submits that the prosecutrix is aged about 50 years and she was a consenting party. He further contended that as the applicant is in jail since 17.07.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. Per contra, State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of both the counsel, nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 17.07.2020 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 said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu