

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5130 of 2020**

- Bideram S/o Shri Dhannu Ram, aged about 25 years, R/o village Samtara, Police outpost - Dudhawa, Thana Narharpur, Civil & Revenue District North Baster Kanker (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police outpost - Dudhawa, Police Station Narharpur, District North Baster Kanker (C.G.)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/09/2020**

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.88/2020 registered at Police Station - Police Outpost - Dudhawa, Police Station Narharpur, District North Baster Kanker (C.G.) for the offence punishable under Sections 294, 506 and 376 IPC.
2. The allegation against the applicant is that he committed forcible sexual intercourse with the prosecutrix and also threatened to kill her if she discloses the matter. Based on this, offence has been registered. The present applicant has been taken into custody on 10.07.2020.
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 aged 22 year and she was the consenting party to the act of the applicant. He also submits that the applicant and prosecutrix were in contact with each other, they used to talk over mobile and it is the prosecutrix who herself went to the house

of applicant where physical relation was established between them. He also submits that the applicant is in custody since 10.07.2020, charge sheet has been filed 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 aged 22 year, the applicant is in custody since 10.07.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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 disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge