

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5137 of 2020**

- Dharamjeet Banjare S/o Deshuram Banjare, aged about 33 years, R/o village Birnidand, Outpost Chendra, Police Station Jhilmili, District Surajpur (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station Jhilmili, District Surajpur (C.G.).

---- Respondent

For Applicant	:	Shri Anil Gulati, Adv.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****18/09/2020**

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.23/2019, registered at Police Station - Jhilmili, District Surajpur (C.G.) for the offence punishable under Sections 376, 342 read with section 34 of Indian Penal Code.
2. The prosecution story, in brief, is that on 03.03.2019 at about 05.00 pm, the prosecutrix came to the shop of applicant for purchasing soap. After purchasing soap, the wife of applicant requested her to sit beside the shop and called her inside the house. At the relevant time, the applicant came home from outside, told his wife to close the door of outside and established physical relation with the prosecutrix. Based on this, offence has been registered. The present applicant has been taken into custody on 11.04.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that even if the entire prosecution case is

taken as it is, it is a clear case of consent and very improbable story has been cooked up. That apart, the version of prosecutrix is not corroborated by the medical evidence. He also submits that the applicant is in custody since 11.04.2019, the 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 applicant is in custody since 11.04.2019, 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 final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge