

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5136 of 2020**

- Babuwa Basore, S/o Kunjal Basore, Aged About 24 Years, R/o Village- Ghorighat Para, Semra, Police Station- Chandni, District- Surajpur (C. G.).

---- Applicant**Versus**

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

---- Respondent

For Applicant : Mr. Anil Gulati, Adv.

For Respondent/State : Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.09.2020**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 19/2020 registered at Police Station- Chandni, District- Surajpur (C.G.) for the offence punishable under Sections 376, 323, 506 of IPC.
3. The prosecution story, in brief is that it has been alleged that on 03.05.2020 at about 12:00 P.M., when prosecutrix went towards the river side to take bath, at that time, applicant came there and committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the charge-sheet has been filed and the prosecutrix is a major lady. He next added that prosecutrix has filed no objection in her affidavit regarding grant of bail to the applicant and the applicant is in jail since 11.05.2020 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecutrix is a major lady and she has filed no objection in her affidavit regarding grant of bail to the applicant and the applicant is in jail since 11.05.2020 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.
8. 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 trial Court on each and every date given to him by the said Court.

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

Ruchi