

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5301 of 2020**

- Vinod Sonwani S/o Uttamram, aged about 22 years, R/o village Sanwala, P.S. Khadgawan, District Koriya (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Arakshi Kendra Khadgawan, District Koriya (C.G.)

---- Respondent

For Applicant	:	Shri Gyan Prakash Shukla, Advocate
For Respondent	:	Shri Rahul Jha, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/09/2020**

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.152/2020, registered at Police Station – Khadgawan, District Koriya (C.G.) for the offence punishable under Sections 376 (2) (n) IPC.
2. The allegation against the applicant is that he committed sexual intercourse with the prosecutrix on the pretext of marriage and continued to do same for last two years and thereafter refused to marry. Based on this, offence has been registered. The present applicant has been taken into custody on 03.07.2020.
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 and married lady having a daughter and she is the consenting party to the act of the applicant. He next submits that the applicant is in

custody since 03.07.2020, 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 lady having five year daughter, applicant is in custody since 03.07.2020, 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 the final disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge