

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5434 of 2020**

- Gopi Dheever, S/o Shri Firtu Dheever, age 45 years, R/o Village Kesla, P.S. Kharora, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station- Kharora, District Raipur (C.G.)

---- Respondent

For Applicant.	:	Mr. Anchal Kr. Matre, 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. 16/2020 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Sections 452 & 376 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he has committed sexual intercourse upon the prosecutrrix against her will while she was all alone in her house. 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 would further submit that prosecutrix is aged about 22 years and as per the medical report found no mark on the body of the prosecutrix and also as per doctor's report no definite opinion can be given about rape. He further contended that as the applicant is in jail since 22.01.2020 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 and submits that the allegation against the present applicant is serious in nature and if he may be released on bail, there is possibility to make inducement, threat to the prosecutrix or her family member, therefore, he may not be granted bail.
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 22.01.2020 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