

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5292 of 2020**

- Ajay Bada S/o Jawahar Bada, aged about 28 years, Caste Uraon Occupation Service, R/o village Bataikela, P.S. Sitapur, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Sitapur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Respondent/State	:	Ms. Sunita Jain, 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.99/2020 registered at Police Station – Sitapur, District Surguja (C.G.) for the offence punishable under Sections 376 IPC.
2. The prosecution story, in brief, is that on 20.07.2020, a report was lodged by the prosecutrix alleging therein that the applicant committed forcible sexual intercourse with her from 22.12.2014 to 07.09.2019 on the pretext of marriage as a result of which she became pregnant and kept her at house of one Avinash at village Bataikela. Based on this, offence has been registered. The present applicant has been taken into custody on 21.07.2020.
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 age of the prosecutrix is 31 year and she was the consenting party to the act of the applicant. He also submits that the applicant is in custody since 21.07.2020 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 aged 31 year, the applicant is in custody since 21.07.2020 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