

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5893 of 2020**

- Jivan Kumar Anant, S/o Babulal Anant, Aged About 27 Years, R/o Village- Harrabhantha, Tah. & P.S.- Champa, District- Janjgir-Champa (C. G.).

**---- Applicant****Versus**

- State of Chhattisgarh, Through- S.H.O, Police Station- Champa, District- Janjgir-Champa (C. G.).

**---- Respondent**

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| For Applicant        | : Mr. Ravindra Sharma, Adv.      |
| For Respondent/State | : Ms. Sunita Jain, G.A.          |
| For Objector         | : Mr. Vaibhav A. Goverdhan, Adv. |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****15.09.2020**

1. 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. 58/2020 registered at Police Station- Champa, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 376, 323 of IPC.
2. The prosecution story, in brief is that on 05.03.2020, prosecutrix lodged a written complaint alleging that on 03.03.2020, the present applicant came to her house in drunken condition and forcefully committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
3. 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 prosecutrix is a major lady and the applicant is in jail since 31.07.2020 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
5. Learned counsel for the objector has filed no objection regarding grant of bail to the present applicant.
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 prosecutrix is a major lady and the applicant is in jail since 31.07.2020 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