

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6963 of 2019**

- Vishnukant Dwivedi @ Chotu, S/o Late Kamta Prasad Dwivedi, Aged About 23 Years, R/o Patkan Tola, Patel Nagar, Tahsil Naraeni (Wrongly Mentioned as Nareli) District - Banda U. P.

---- Applicant

Versus

- The State Of Chhattisgarh, Through Police Station Podi, District - Koriya Chhattisgarh.,

---- Respondent

For Applicant	: Shri Parag Kotecha, Adv.
For Respondent/State	: Shri V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.01.2020**

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. 120/2019 registered at Police Station Podi, District - Koriya, C.G. for the offence punishable under Section 376 (2) (ढ) of I.P.C.
2. The prosecution story, in brief is that, it was an allegation that on the pretext of marriage applicant had committed rape with prosecutrix who is aged about 32 years and thereafter ran away to Uttar Pradesh. Thereafter, offence has been registered against the present applicant.
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 there is no previous antecedent against the applicant. The applicant is in jail since 27.09.2019, 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.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix is major lady. The applicant is in jail since 27.09.2019 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 trial Court on each and every date given to him by the said Court.

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