

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7417 of 2019**

- Milan Kumar S/o Narendra Kumar Aged About 22 Years, (Not Mentioned In The Impugned Order), R/o Village Karmada, Baloda Bazar District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Bilaigarh, (Not Mentioned In The Impugned Order Sheet) District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Satya Prakash Verma, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/01/2020**

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. 259/2019 registered at Police Station-Bilaigarh, District-Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 376/34 of the IPC.
2. The prosecution story, is that the complainant filed complaint that the applicant with the help of other co-accused person has abducted the prosecutrix and on pretext of marriage, applicant has committed sexual intercourse with the prosecutrix. Based on this, 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 the age of the prosecutrix is more than 20 years. The applicant is in jail since 03.09.2019, 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, detention period of applicant and further considering the facts that the age of the prosecutrix is above 20 years. The applicant is in jail since 03.09.2019 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**