

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7499 of 2019**

- Sandeep Rajwade S/o Budhan Rajwade Aged About 20 Years, Caste- Rajwar, R/o Village Tilsiwan Para, Bhatgaon, Police Station- Bhatgaon, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer Police Station- Bhatgaon, District- Surgajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. R. V. Ram Rajwade, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/01/2020**

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-Bhatgaon, District - Surajpur (C.G.) for the offence punishable under Sections 376(2)(b), 506 of the IPC 5-L, 6 of Protection of children from Sexual Offences Act.
2. The prosecution story, is that on 21.07.2019 the prosecutrix lodged a report that she acquainted with the applicant during marriage function of her sister and before one year, the applicant took her near Railway Line and on the pretext of marriage committed sexual intercourse with her. Thereafter, repeatedly committed sexual intercourse with her. After that her marriage was going to be fixed at Balrampur, but the applicant has told that she will not marry with other person. It is also alleged that when prosecutrix asked to the applicant for marriage with her applicant refused to marry. 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 above 17 years and the applicant is in jail since 17.08.2019, 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 17 years and the present applicant is in jail since 17.08.2019 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**