

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7646 of 2019**

- Rajkumar Soni S/o Ramdin Soni, Aged About 35 Years, R/o Kishan Chowk, Gondpara, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Police Station Civil Lines, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Arun Kochar, Adv.
For Respondent/State	:	Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/01/2020**

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. 492/2019 registered at Police Station-Civil Lines, District-Bilaspur (C.G.) for the offence punishable under Sections 376, 450 of the IPC and 3(2) (5) of SCST (PA) Act.
2. The prosecution story, is that complainant/ prosecutrix lodged a report that on 26.07.2019 at about 3-4 a.m. applicant/accused came to her house whereas after the work she had locked the door and slept, at night the accused came inside the house and has held the neck of the prosecutrix and committed sexual intercourse with her. 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 about 30 years.

The applicant is in jail since 27.07.2019, 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 applicant is in jail since 27.07.2019 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**