

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7586 of 2019**

- Sahil Kiran Yadav S/o Ramkumar Aged About 20 Years, R/o Village Pandariya, Gopiband Para, Police Station Pandariya, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Torva, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S. K. Guha, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/01/2020**

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. 202/2019 registered at Police Station-Torva, District - Bilaspur (C.G.) for the offence punishable under Sections 376 (2)(घ), 354, 109, 34 of the IPC.
2. The prosecution story, is that the prosecutrix lodged a report that the present applicant has taken her with him by taking advantage of the dispute between her and her husband and on pretext of marriage the present applicant has made acquaintance with her. Thereafter, the applicant was living with her in a rented house and the applicant with co-accused persons used to drinking liquor and they have 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 prosecutrix is a 27 years old married lady and the other co-accused has already been granted bail so, the present applicant may also be granted benefit of bail. The applicant is in jail since 12.07.2019, 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 prosecutrix is a 27 years old lady and other co-accused has already been granted bail. The applicant is in jail since 12.07.2019 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**