

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7627 of 2019**

- Ashif Khan S/o Imam Khan Aged About 22 Years R/o Narmada (Gandai), Police Station Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Gandai, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Jitendra Gupta, Advocate
For Respondent-State:-		Mr. Waseem Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/01/2020**

- 1.The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.224/2019 registered at Police Station - Gandai, District Rajnandgaon (C.G.) for the offence punishable under Section 376 of the IPC.
- 2.The prosecution story, in brief, is that the applicant making physical relation on the pretext of marry,

although he gave a written note but he didn't marry with her. Applicant made her video and on this he threatened her and make physical relation with the prosecutrix. Based on this, offence has been registered. The present applicants have been taken into custody on 27.10.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that there was consent on the part of the victim. Next submits that the present applicant is in jail since 27.10.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
4. On the other hand State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the entire material available on record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicant is in jail since 27.10.2019 and as 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 their 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. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit