

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7996 of 2019**

- Kishor Gabel S/o Late Manmoha Gabel Aged About 20 Years, R/o Village Tiuar Thana Kharsia, Distt. Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer Police Station Kharsia, Distt. Raigarh Chhattisgarh Taluka Kharsia, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N. K. Malaviya, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/02/2020**

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. 304/2019 registered at Police Station-Kharsia, District - Raigarh (C.G.) for the offence punishable under Sections 376 of the IPC and 3 (1)(a)(1), 3 (2)(5) of ST & SC (Prevention of Atrocities) Act.
2. The brief facts of the prosecution, is that, on 20.04.2019 at about 11:00 pm., the applicant went at the house of prosecutrix and took her with him on pretext of marriage and committed sexual intercourse with her and after some days he left her and denied to marriage. 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 21 years. He also submits that the applicant is in jail since 23.10.2019, 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 aged about 21 years and the applicant is in jail since 23.10.2019 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**