

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7920 of 2019**

- Suresh S/o Ramnyare Aged About 24 Years R/o Keshar, P.S. Ramkola, Dist. Surajpur Chhattisgarh. Ha. Mukam Wadafnagar Kurthidar, Thana Basantpur, District Balrampur Ramanujganj Chhattisgarh...(In Jail)

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer , Ps Basantpur, Distt Balrampur Ramanujganj Chhattisgarh..(Non Applicant)

---- Respondent

For Applicant.	:	Mr. Hariom Rai, Advocate.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.01.2020**

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. 109/2019 registered at Police Station – Basantpur, Balrampur, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 376(2)(a), 450 of IPC.
2. The allegation against the present applicant is that, he has committed sexual intercourse with the prosecutrix on the pretext of marriage. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

next submits that He next submits that prosecutrix is a married lady aged about 30 years, in this case, as per prosecution story, alleged offence 'on the pretext of marriage' against the applicant is itself highly doubtful. Applicant is jail since 01.07.2019, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel strongly opposed 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, age of the prosecutrix, and further considering that the applicant is in jail since 01.07.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu