

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7809 of 2019**

- Suryakant Sona S/o Teju Ram Sona Aged About 23 Years, R/o Indira Colony, Ward No. 40, Chowki Padmanabhpur, Police Station Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jitendra Gupta, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/01/2020**

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. 955/2019 registered at Police Chowki-Padmanabhpur, Police Station-Durg District - Durg (C.G.) for the offence punishable under Section 376 of the IPC.
2. The prosecution story, is that on 14.10.2019 the complainant lodged a missing report and on 15.10.2019, when complainant gone for search for his niece he found that the applicant sat with the complainant's niece and on seeing the complainant the applicant ran away from the spot then complainant took his niece with him and asked about the matter on being asked his niece told that Ashish Sahu came and said that Suryakant calling her, thereafter, the applicant took the prosecutrix to the room of Trilochan Bal Mandir and committed sexual intercourse with the

prosecutrix. 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 above 18 years and FSL report is also negative. The applicant is in jail since 16.10.2019, 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 age of the prosecutrix is above 18 years and report of the FSL is also negative. The applicant is in jail since 16.10.2019 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**