

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7860 of 2019**

- Anand Kumar Kushwaha S/o Sukhdev Ram Aged About 28 Years, R/o. Syahi, P.S. Basantpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Basantpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/01/2020**

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. 129/2019 registered at Police Station-Basantpur, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 454 and 376 of the IPC.
2. The prosecution story, is that the prosecutrix lodged a report that on 26.01.2019 when she went to attend the marriage ceremony the applicant came there and stated her that some relatives are there in his house and for which she returned to her house. Subsequently, the applicant came to her house and bolted the door from inside and thereafter, 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 age of the prosecutrix is about 28 years. The applicant is in jail since 22.10.2019, 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 applicant is in jail since 22.10.2019 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**