

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7859 of 2019**

- Hemkant Baghel S/o Lakheshwar Baghel Aged About 23 Years, R/o Village Latur Patel Para P.S. Kotwali Chowki Bastar District- Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Police Station Kotwali Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/01/2020**

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. 497/2019 registered at Police Station-Kotwali Jagdalpur, District - Bastar (C.G.) for the offence punishable under Section 376 of the IPC.
2. The prosecution story, is that on 28.09.2019 the prosecutrix lodged FIR that on 27.09.2019 the applicant came to her college and on pretext of books applicant took her with him by motorcycle at field and forcefully 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 above 22 years and the applicant is in jail since 04.11.2019, 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 22 years and the applicant is in jail since 04.11.2019 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**