

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7900 of 2019**

- Ajay Kumar Bareth S/o Baisakhu Bareth Aged About 30 Years R/o Village Bade Gantuli, Taluka Sarangarh District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate Raigarh District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Raghvendra Pradhan, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.
For Objector	:	Mr. Sanjay Agrawal, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/02/2020**

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. 72/2019 registered at Police Station-Kosir, Raigarh, District-Raigarh (C.G.) for the offence punishable under Section 376 of the IPC.
2. The allegation against the present applicant is that on pretext of marriage applicant committed sexual intercourse since 17.05.2018 to 17.05.2019 repeatedly 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 about 29 years and charge-sheet has been filed. He further submits in support of his argument that he placed reliance on

the decision of C.G. High Court in the matter of **Mukesh Sahu Vs. State of C.G.** judgment passed in MCRCA No. 485 of 2019. He also submits that the applicant is in jail since 05.10.2019, 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. Learned counsel for the objector opposes the bail application and submits that as per under Section 164 Cr.P.C. statement of the prosecutrix, she stated that on the pretext of marriage the applicant committed repeatedly sexual intercourse with the prosecutrix, so, the present applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 about 29 years old and the applicant is in jail since 05.10.2019 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.
8. 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**