

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8067 of 2019**

- Chandrakant @ Pintu S/o Prahlad Kumar Netam Aged About 32 Years R/o Aryanagar Ward, Kohka Bhilai Police Station Supela District Durg Chhattisgarh.,

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Krishna Tandon, Advocate.
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.381/2019, registered at Police Station - Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 376 and 506 IPC.
2. The allegation against the present applicant is that after calling the husband of complainant (prosecutrix), the applicant enjoyed liquor party with the husband of prosecutrix in his house, slept there and in mid-night he committed sexual intercourse with the prosecutrix. Based on this, offence has been registered. The present applicant has been taken into custody on 11.10.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the husband of the prosecutrix was sleeping next to her room and at the relevant time no hue and cry was made by the prosecutrix and as such she was a

consenting party to the act of the applicant. That apart, medical report of the prosecutrix does not support the prosecution case. He also submits that the applicant is in custody since 11.10.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that though medical report does not support the prosecution case but, the prosecutrix in 164 CrPC statement raised specific allegation against the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence, and further considering the fact that the prosecutrix is major, applicant is in custody since 11.10.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge