

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8294 of 2019**

- Vivek Prabhakar S/o Radhika Prasad Aged About 24 Years R/o Mohalla Badkapara, Nagar, Police Station, Tehsil And District - Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer - Surajpur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Shushil Dubey, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.02.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 361/2019 registered at Police Station - Surajpur (C.G.) for the offence punishable under Section 376 of IPC.
2. The prosecution story in brief is that, the prosecutrix lodged a written report against the present applicant alleging therein that, she was an employee of a private school where she met with applicant, thereafter, applicant enticed her and took her Chandarpur with him where he kept the prosecutrix in a rental house and committed forceful sexual intercourse with her. Thereafter, the prosecutrix escaped from there and narrated the whole story to her family members. Based on that offence has been registered against the applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that prosecutrix is about 24 years of age and the present applicant and prosecutrix were living together with their mutual consent herself went with the applicant. Applicant is in jail since 20.11.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
4. Per contra, State counsel 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, age of the prosecutrix and further considering that the applicant is in jail since 20.11.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu