

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8429 of 2019**

- Amit Kumar Bharati, son of Shri Janak Ram Bharati, aged about 23 years, resident of village Bharari, P.S. Ratanpur, Tahsil and District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Ratanpur, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri B.M. Roy, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/01/2020**

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.481/2019 (wrongly mentioned as 4817/2019 in the impugned rejection order), registered at Police Station - Ratanpur, Civil and Revenue District Bilaspur (C.G.) for the offence punishable under Sections 376 and 506 IPC.
2. The allegation against the present applicant is that when the prosecutrix, aged about 24 years, used to come to her parents' house, the applicant used to call her to his house saying that his sister is calling her and had sexual intercourse with the prosecutrix from 09.07.2019 to 04.09.2019 on the false pretext of marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 27.11.2019.
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 prosecutrix is 24 years of age and she is a consenting party to the act of the applicant. He also submits that the applicant is in custody since 27.11.2019, 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.
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 24 years of age, the applicant is in custody since 27.11.2019 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