

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8413 of 2019**

- Sanjay Dubey S/o Pushpchand Dubey Aged About 35 Years Occupation Agriculture, Caste Brahmin R/o Village Jamdi, Police Station And Tehsil Bhaiyathan, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Jhilmili, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pushkar Sinha, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/02/2020**

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. 115/2019 registered at Police Station-Jhilmili, District - Surajpur (C.G.) for the offence punishable under Section 376 of the IPC.
2. The brief facts of the prosecution, is that, on 18.09.2019 at about 9.30 pm., between prosecutrix and her husband some altercation took place and for that husband of the prosecutrix assaulted her with hand and fist. Prosecutrix went to the applicant's shop and after open the shop she asked the applicant for help and upon that applicant allured her and committed sexual intercourse with the prosecutrix. Thereafter, a report was lodged. 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 30 years and the applicant is in jail since 27.09.2019, 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 applicant is in jail since 27.09.2019 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**