

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8431 of 2019**

- Akash Bairagi S/o Late Shri Anand Bairagi Aged About 27 Years R/o Bayasi Colony Dharamjaygarh, District Raigarh At Present R/o Mudapara Korba, Thana And Tahsil Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharamjaygarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, 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 the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 79/2019 registered at Police Station - Dharamjaygarh, District Raigarh (C.G.) for the offence punishable under Sections 376, 506, 509-B of IPC and Section 67-B of the Information Technology Act 2000.
2. The prosecution story in brief is that the prosecutrix is a married lady aged about 20 years and she lodged a report before Police Station against the applicant alleging that he clicked the obscene photos of prosecutrix and threatened her to develop physical relations. On 01.06.2019 at night, the applicant caught hold her and committed rape on her. Furthermore, he sent the photos of prosecutrix and applicant to the husband of prosecutrix. 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 a married lady aged about 20 years. The incident took place one and a half year before lodging the FIR which shows her consent in the crime in question. Applicant is in jail since 10.08.2019 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 10.08.2019 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**