

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 219 of 2021**

- Mukesh Kumar Sahu son of Sat Kumar Sahu, aged about 22 years, Occupation – Cultivator, resident of village Salhe, Police Station & Tahsil Sarangarh, District Raigarh (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Raghavendra Pradhan, Adv.
For Respondent	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/05/2021**

1. Proceeding through video conferencing.
2. 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.129/2020, registered at Police Station – Punjipathra, District Raigarh (C.G.) for the offence punishable under Section 376 of IPC.
3. The allegation against the present applicant is that in between 24.03.2020 to 14.06.2020 he committed sexual intercourse with the prosecutrix on the pretext of marriage and thereafter the applicant eloped from the house. Based on this, offence has been registered. The present applicant has been taken into custody on 22.12.2020.
4. 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 a major aged about 25 year and she is the consenting party to the act of the applicant. The prosecutrix, being a major, was very well

aware of the result of the relationship with the applicant. He further submits that the applicant is in custody since 22.12.2020 and there is no likelihood of his case being decided in near future, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of allegation and further considering the fact that the applicant is in custody since 22.12.2020, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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 concerned trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

**Sd/-
(Rajani Dubey)
Vacation Judge**