

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1246 of 2021**

- Mahesh Kumar Dewangan, S/o Jagprasad, Aged About 30 Years, R/o Village Moharsop, Police Station Chandni, District Surajpur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	: Mr. Ravish Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31.05.2021**

1. The matter is heard through video conferencing.
2. 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. 42/2020 registered at Police Station- Odgi, District- Surajpur (C.G.) for the offence punishable under Section 376 of IPC.
3. The prosecution story, in brief is that, present applicant committed sexual intercourse with the prosecutrix on the pretext of marriage. Thereafter, offence has been registered against the present applicant.
4. 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 prosecutrix is aged about 27 years and she is a consenting party. He next added that the applicant is in jail since 03.12.2020 there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the applicant is of serious in nature, and, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix is a major lady and the applicant is in jail since 03.12.2020, 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.
8. 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)
Vacation Judge

Ruchi