

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Misc. Criminal Case No.2068 of 2021**

- Mukesh Kumar Choudhary S/o Awadh Kishore Choudhary
Aged About 22 Years R/o Goutam Nagar, Khursipar, Bhilai,
Tahsil And District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer
Khursipar, Bhilai, District Durg Chhattisgarh

---- Respondent

 For Applicant : Shri Arvind Kumar Dubey, Advocate
 For respondent/State : Shri Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****31.5.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 18.7.2020 in connection with Crime No.495/2020 registered at Police Station Khursipar, Bhilai, Distt. Durg (C.G.), for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 17.7.2020 a written report was lodged by the complainant stating that on 16.4.2017 nephew of her husband had entered into her room and committed forceful sexual intercourse with her and thereafter on

several occasions he continued to commit forceful sexual intercourse with her after threatening her.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. The complainant is major and married lady and she was having illicit relation ship with present applicant. The complainant was the consenting party. He further submits that the applicant is in jail since 18.7.2020, charge sheet has already been filed, therefore, present applicant may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion, and as per submission of applicant's counsel charge sheet has been filed, without further commenting on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 50,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

7. In view of the above, IA No.01/2021 for hearing the case during summer vacation and IA No.02/2021 for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
VACATION JUDGE

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