

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7067 of 2021**

- Mohardas Dahriya, S/o Amritdas Dahriya, Aged About 29 Years, R/o Village Sitapar, P.S. Simga, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police of P.S. Simga, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Shivali Dubey, Adv.
For Respondent/State	: Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.10.2021**

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. 313/2021 registered at Police Station- Simga, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 376, 506 of IPC.
2. The prosecution story, in brief is that, prosecutrix came into contact with applicant through matrimonial website, where the applicant got her contact details and started interacting with her. On 19.11.2020, when prosecutrix was returning to her maternal uncle's home on the way applicant took her to his house and committed forcible sexual intercourse with her, he also made video and threatened her of making her photograph viral. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 prosecutrix is a major lady and there

was love affair between the applicant and the prosecutrix. She next added that marriage has been solemnized between the parties on 09.06.2021 and charge-sheet has been filed. The applicant is in jail since 19.07.2021 there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail. In addition to this, learned counsel for the applicant submits that the Registry may be directed to return original marriage certificates after accepting the photostate copy of the same.

4. 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.
5. I have heard learned counsel for the parties and perused the record.
6. 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 marriage has been solemnized between the parties on 09.06.2021, the applicant is in jail since 19.07.2021, 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.
8. Original marriage certificates be returned to counsel for the applicant after submitting photostate copy of the same.

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