

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7266 of 2021**

- Salman Ansari S/o Shri Jahid Ansari Aged About 28 Years R/o Simariya Vandedand P. S. Simariya, District Chatra (Jharkhand).

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Kansabel, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jai Prakash Shukla, Advocate.
For Respondent	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.10.2021**

- 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. 51/2020 registered at Police Station – Kansabel, District Jashpur (C.G.) for the offence punishable under Sections 366 & 376 of the IPC.
- As per the prosecution case, the allegation against the present applicant is that he has committed sexual intercourse upon the prosecutrix against her will. Based on that, during investigation, applicant has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Referring to Annexure A/2, affidavit of the prosecutrix dated 23.08.2021, he would further submit that prosecutrix herself

went with the applicant and started living as husband and wife and the physical relations established between the prosecutrix and the applicant was with their mutual consent. Prosecutrix herself mentioned in her affidavit that due to the pressure of the society she has filed FIR against the applicant. It is next submitted that the applicant is in jail since 15.08.2021, and he is ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon him by the Court, therefore, he may be released on bail.

- Per contra, learned State counsel opposes the bail application.
- I have heard counsel for the parties and perused the case diary.
- Considering the totality of the facts and circumstances of the case, nature of allegation and particularly, affidavit of the prosecutrix, I am of the opinion that present is a fit case to release the applicant on bail.
- Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
- It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

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