

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8338 of 2020**

- Santosh Vaishnav S/o Ghanshayam, aged about 36 years, R/o village Bagaijhor - Gumanpur (Mudhipar), Tehsil & District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : The District Magistrate, Raipur (C.G.). Through (The S.H.O., P.S. Tikrapara, Raipur, District Raipur)

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Adv.
For Respondent	:	Mr. Raghavendra Verma, Dy. G.A.
For Objector	:	Mr. R.R. Soni, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/03/2021**

1. 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.368/2020, registered at Police Station - Tikrapara, District Raipur (C.G.) for the offence punishable under Sections 376 and 506-B of IPC.
2. The allegation against the present applicant is that he introduced himself to be an army person and trapped the prosecutrix in his love and established forcible sexual intercourse with her on the pretext of marriage. When the prosecutrix came to know that the applicant is not an army person and is married person having two issues, she stopped talking to him. Thereafter, the applicant showed her photo and threatened her to kill and will make her photo viral on social media. Based on this, offence has been registered. The present applicant has been taken into custody on 21.09.2020.

3. 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 married lady and this is a case of consent. The prosecutrix was very well aware of the result of the relationship with the applicant. It is next submitted that the applicant is in custody since 21.09.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. Mr. R.R. Soni, learned counsel for the Objector vehemently 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, quality of evidence and further considering the fact that the applicant is in custody since 21.09.2020, 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)
Judge