

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8532 of 2020**

- Deepesh Tirkey, S/o Sukul Tirkey, Aged About 22 Years, R/o Village Kesala P.S. & Tehsil Sitapur District- Surguja Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Sitapur District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Nishi Kant Sinha, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2021**

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. 166/2020 registered at Police Station- Sitapur District Surguja, (C.G.) for the offence punishable under Section 376 (2) (a) of IPC.
2. The prosecution story, in brief is that, on the pretext of marriage, the present applicant has been committed sexual intercourse with prosecutrix since 2 years and as a result of which, she became pregnant. Thereafter, offence has been registered against the present applicant.
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 there was a love affair between the prosecutrix and present applicant. He next added that prosecutrix is a major girl and the applicant is in jail since 23.10.2020, charge-sheet has already been filed and there is no likelihood of his case being decided in near future, therefore, the

present applicant may be released on bail.

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 present applicant is of serious in nature, 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 girl and the applicant is in jail since 23.10.2020 and 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.

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

Ruchi