

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8614 of 2020**

- Mahendra Dewangan, S/o Late Shri Parmanand Dewangan, Aged About 28 Years, R/o Sheetlapara Hatkeshar, Ward Dhamtari, Thana & District Dhamtari Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Station House Officer Police Station Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.03.2021**

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. 474/2020 registered at Police Station- Dhamtari, District Dhamtari, (C.G.) for the offence punishable under Section 376 of IPC.
2. The prosecution story, in brief is that, it has been alleged that on the pretext of marriage, the present applicant had committed sexual intercourse with the prosecutrix between 23.01.2020 and 30.08.2020. 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 prosecutrix is a major lady and charge-sheet has been filed and the applicant is in jail since 19.10.2020 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 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 records.
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 the applicant is in jail since 19.10.2020 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