

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8792 of 2020**

- Durgesh Pal, S/o Ramkumar Pal, Aged About 25 Years, R/o Village Tarpori, P.S. Dhamdha, District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. P.S. Dhamdha, District-Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, Adv.
For Respondent/State	: Ms. Ishwari Ghritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.04.2021**

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. 110/2020 registered at Police Station- Dhamdha, District- Durg, (C.G.) for the offence punishable under Sections 450, 376 & 506 of IPC.
2. The prosecution story, in brief is that, it has been alleged that present applicant entered the house of the prosecutrix by way of terrace and made physical relationship against her will. 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 charge-sheet has been filed and the prosecutrix is aged about 40 years and there is no sign of injury found on the body of the prosecutrix. He next submits that applicant is in jail since 15.09.2020 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, 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 charge-sheet has been filed and the prosecutrix is a major lady and the applicant is in jail since 15.09.2020 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