

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8173 of 2021

- Rahul Nagvanshi S/o Rajulal Nagvanshi Aged About 19 Years R/o Village Gouriya Para Purur, Police Station Gurur, (Police Help Center Purur) District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Petitioner

Versus

- The State Of Chhattisgarh Through Police Help Center Purur, Police Station Gurur, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Applicant : Mr. Amit Kumar Sahu, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, GA.

Hon'ble Smt. Justice Rajni Dubey
Order On Board

01.11.2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 23.09.2021 in connection with Crime No. 324/2021 registered at Police Station Gurur, District Balod for the offence punishable under Section 376 & 323 IPC.

2. The prosecution case in nutshell is that on 21.09.2021 at 12 Hours the accused/applicant had subjected the prosecutrix to beating and also made physical relations with her against her will and without consent.

3. Learned counsel for the applicant submits that the applicant has been roped in a false and fabricated case and

therefore, he may be set at liberty by granting bail. He submits that the applicant would abide by all terms and conditions imposed on him while granting bail.

4. Learned State counsel however puts forth his vehement opposition to the prayer for bail.

5. Having heard counsel for the parties, taken into consideration the facts and circumstances of the case and also keeping in mind the nature of allegations of commission of rape on a married woman, this Court is of the opinion that the accused/applicant is entitled for bail. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

(Rajni Dubey)
Judge