

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8710 of 2021**

- Devendra Singh Chouhan Aged About 25 Years R/o Mairin Navadar Chhota Bazar, Minus Chirmir, Tahsil Chirmiri, District Koriya Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Chirmiri, District Koriya Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Achyut Tiwari, Advocate
For Respondent-State	:-	Mr. Gurudev I Sharan, G.A.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board**16/12/2021**

1. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.330/2021 registered in Police Station Chirmiri, District Koriya C.G. for the offence punishable under Sections 450, 376 (2)(n) of the I.P.C.
2. Case of the prosecution, in brief, is that on 13.8.2019 at about 11 PM, applicant entered the house of the prosecutrix and has committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He would further submit that prosecutrix is a consenting party and the applicant is in jail since 14.8.2021, therefore,

he may be released on bail.

4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the facts and circumstances of the case as also the fact that prosecutrix is a married lady and was having physical relationship with the applicant frequently, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.5,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-
(Deepak Kumar Tiwari)
Judge

Ayushi