

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8719 of 2021**

- Krishna Kumar Gajbhiye S/o Hemraj Gajbhiye Aged About 32 Years Occupation Private Service, R/o Kedar Badi, Khairagarh Road Dongergarh, Police Station And Tahsil Dongergarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Basant Kaiwartya, Advocate
For Respondent-State	:-	Mr. Gurudev I. Sharan, G.A.
For Complainant	:-	Mr. Gorelal Tandan, Advocate

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.797/2021 registered in Police Station Kawardha, District Kabirdham C.G. for the offence punishable under Sections 376 (2)(n) of the I.P.C.
2. Case of the prosecution, in brief, is that applicant has committed forcible sexual intercourse with the prosecutrix on pretext of marriage.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. He would further submit that prosecutrix is a divorcée lady, aged about 38 years having two

children and is a consenting party to the act. The applicant is in jail since 17.10.2021, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact and circumstances of the case as also considering the fact that prosecutrix is a major lady and has filed an affidavit that she has no objection in granting bail to the applicant; the applicant is in jail since 17.10.2021, 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