

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9265 of 2021**

- Devraj Mahant, S/o Shri Buddhadev Mahant, Aged About 28 Years, Caste Panika, R/o. Balakpondhi, Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through: S.H.O. of The Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh).

**---- Respondent**

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| For Applicant        | : Mr. Abhishek Saraf, Adv.     |
| For Respondent/State | : Ms. Ishwari Ghrilahare, P.L. |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****17.12.2021**

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. 111/2021 registered at Police Station- Kapu, Tahsil Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 376, 456, 506, 323 of IPC.
2. The prosecution story, in brief, is that on 12.08.2021, applicant entered the house of the prosecutrix and committed sexual intercourse with her. 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 there was love affair between the applicant and the prosecutrix and she is a major lady. He next added that the applicant is in jail since 12.08.2021, charge-sheet has been filed 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 fact that prosecutrix is a major lady and the applicant is in jail since 12.08.2021 and charge-sheet has been filed, 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**