

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6280 of 2015

Amit @ Dakaeha, son of Beersay, aged about 32 years,
occupation – Agriculture, Caste – Lohar, Resident of village
Jarhadih, Majhapara, P.S. Lundra, Revenue and Civil District
Surguja (C.G). **Applicant**

Vs.

State of Chhattisgarh through Police Station Lundra, District Surguja (C.G)

For the applicant	:	Mr. Sunil Tripathi, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Advocate

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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 88/2015 registered at Police Station Lundra, District Surguja for the offences punishable under sections 354, 294, 506, 323, 34, 366, 367 of IPC.
2. As per the prosecution case, on 28.07.2015 the other co-accused Heeralal @ Toppo called the prosecutrix while she was going to sleep in her house. When the victim came out she was dragged by him to a nearby lane where the applicant was standing there. Again the complainant was dragged by the applicant and co-accused to a nearby place where she was outraged by the applicant and co-accused. When she tried to run away, again she was caught hold by the applicant and other co-accused and her modest was again outraged by them and she was beaten.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and as per the statement of victim, after hearing the noise, witnesses Manohar Ram and Madhav came there

but Manohar and Madhav have stated that some altercation was going on between the complainant and the applicants. He submits that the applicant is in jail since 05.08.2015 and the charge sheet has already been filed. He, therefore, prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the case diary and other documents.
6. Having regard to the fact that the charge sheet in this case has been filed and the applicants are in jail since 05.08.2015 and taking into account that the offences are triable by the JMFC and considering the evidence available in the case diary, without making observation on merit, I am inclined to allow this application.
7. Accordingly the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the said Court on each and every date to be give by the said Court.
8. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE