

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4019 of 2016

- Nirbhay Ram Sahu @ Nirbhay Sharan Sahu S/O Hariram Sahu Aged About 60 Years R/O Village Khuteri, Police Station : Fingeshwar, District Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station : Fingeshwar, District : Gariyaband Chhattisgarh

---- Respondent

For Applicant : Mr. R.K. Tiwari, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 8-4-2016 in connection with Crime No. 41 of 2016, registered at Police Station Fingeshwar, District Gariyaband (CG) for the offence punishable under Section 377 of the IPC.
2. As per prosecution case, on 7-4-2016 a report was made by complainant Rajendra Kumar Yadav that on 27-3-2016 at 7.00 a.m., the applicant went to the dairy where he committed unnatural intercourse with animal and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in this case, he has not committed any offence and in fact he went to the dairy for collecting urine of cow for medicine and it is not possible to commit such offence. He would further submit that the applicant is aged

about 60 years, charge-sheet has been filed in this case, he is in jail since 8-4-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the witnesses which would show that the applicant was collecting urine of cows.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the statements of the witnesses and age of the applicant who is about 60 years, charge-sheet has been filed and he is in jail since 8-4-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju