

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4849 of 2017**

Durgesh Sahu, S/o Dilharan Sahu, aged 26 years, occupation Business, R/o village Kokditarai, Tahsil and District Raigarh, Chhattisgarh.

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

State Of Chhattisgarh Through Station House Officer, City Kotwali, District Raigarh, Chhattisgarh.

**---- Respondent**


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|--------------------------|---|----------------------------------------------------|
| For the Applicant        | : | Shri Amiyakant Tiwari, Advocate.                   |
| For the Respondent/State | : | Shri Neeraj Sharma, Deputy<br>Government Advocate. |
| For the Complainant      | : | Shri Sunil Sahu, Advocate.                         |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****18.08.2017**

1. Heard on application under Section 439 of the Code of Criminal Procedure.
2. Learned counsel for the applicant submits that the applicant has been arrested in connection with Crime No. 274 of 2017 registered at Police Station – City Kotwali, District Raigarh, Chhattigarh for the offence punishable under Sections 376(2)(g), 342, 365, 394, 323 and 506 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. On the basis of the statement of

the prosecutrix recorded under Section 164 of the Cr.P.C. itself, no case is made out against the applicant but his application for bail has been rejected by the Sessions Court, hence, it is prayed that he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submitted that the applicant is not entitled for bail.

5. Learned counsel for the complainant submits that the complainant in this case, the prosecutrix, herself filed an application alongwith an affidavit stating that she has no objection if the applicant is enlarged on bail.

6. Perused the case diary of Crime No. 274 of 2017 of Police Station City Kotwali, District Raigarh. On perusal of the documents and the case diary and considering the submissions made by counsel for the applicant, this appears to be a fit case in which the applicant is entitled to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge