

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 270 of 2018

- Jainath Baruva Son Of Shri Khervar Baruva, Aged About 25 Years Caste Uranve R/o Algi, Dongri, Bavanjaridand, Police Station Lemru Tahsil And District Korba, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Lemru, District Korba, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant	:	Mr. S.R.J. Jaiswal, Advocate.
For Respondent/State	:	Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.13/2017 registered at Police Station– Lemru District– Korba (C.G.) for the offence punishable under Section 376 & 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The prosecutrix in this case is a major lady aged about 35 years and the alleged incident has taken place on 26.7.2017 whereas FIR was lodged on 6.8.2017 mentioning the reason that the meeting of caste society was called in which applicant did not appear, but there is no witness in the prosecution case to state about any such meeting. No case is made out against this applicant and he is in jail since 5.9.2017. The

applicant is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. No case is made out for grant of bail as the prosecutrix has made direct allegation against this applicant and it is a burden of the applicant to prove it otherwise before the trial Court.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, on 26.7.2017 when the prosecutrix had gone out to answer the call of nature, applicant all of a sudden caught hold of her and thereafter raped her. FIR was lodged on 6.8.2017 and the reason assigned for delay is that before lodging FIR a meeting of caste society was convened.
6. Considering on the entire material present in the case diary and the fact that trial against this applicant is likely to take some time for its disposal, I am of this view that applicant should be released on regular bail during the pendency of the trial Court against him.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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