

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1877 of 2018

Samees Chouhan @ Sonu S/o Satish Chouhan Aged About 25
Years R/o- Village Anjora Tahsil And District- Durg, Chhattisgarh.,

---- Applicant

Versus

State Of Chhattisgarh Through- District Magistrate, Durg, District-
Durg, Chhattisgarh.

---- Respondent

For applicant - Shri Avinash Chand Sahu, Advocate.
For Respondent/State –Ms. Madhunisha Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/03/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 12/12/2017 vide M.Cr.C. No.7100/2017 with liberty to repeat the bail application after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.332/2017 registered in Police Station Pulgaon, District Durg (C.G.) for offence punishable under sections 376 (G), 506, 365 of IPC.
3. As per the prosecution case, on 1/08/2017 while the complainant was searching her husband, she took auto and asked the auto driver to drop her at certain place, the applicant was also sitting in the auto and the auto was taken to lonely place, thereafter Santosh Sahu has committed sexual intercourse.
4. Learned counsel for the applicant submits that the prosecutrix has been examined in this case but nothing has been stated against this applicant instead it is stated that the applicant wanted to save the

prosecutrix but he was assaulted and forced to leave the place, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix. Considering the nature of allegation against this applicant, main allegation appears to have been against Santosh Sahu, without any observation on the merit, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE