

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2671 of 2018

- Granth Das S/o Bhagwat Das Aged About 32 Years R/o- SECL Rampur Colliery, P.S. Rampur, District- Jharsugada (Odisha), At Present R/o- Jaijaipur, P.S. Jaijaipur, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate Janjgir, District- Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Ishwar Jaiswal, Advocate.

For Non-applicant : Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

09.05.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 219/2017 registered at Police Station – Jaijaipur, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 376 and 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is near about 35 years old and resident of village – Jaijaipur. On 17.12.2017, at 12:05 pm she was going to her house. The applicant was standing in front of his house called the prosecutrix to show the test copy of her

daughter. The prosecutrix entered in his house. The applicant given her Dosa to eat. Thereafter, he committed rape on her. After about 10 minutes, her husband pushed the window and saw the complainant and the applicant.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, he is in custody since 13.02.2018, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

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

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE