

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2959 of 2018

- Deepak Cherwa S/o Late Rambelas Cherwa Aged About 24 Years Occupation Agriculturist, R/o Village Kandari, Jawakhad, P. S. Chando, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chando, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sampurnank Gupta Advocate.

For Respondent : Mr. Vinod Tekam, Panel Lawyer.

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

19/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.40/2016 registered at Police Station- Chando, District – Balrampur- Ramanujganj(C.G.) for the offence punishable under Sections 365, 366, 376(2)(n) & Section 506(B) of the Indian Penal Code, 1860.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 24.12.2016. The trial against him is still pending before the concerned Court. The case is likely to take some more time before its conclusion. The main witness in this case has been examined who have given statement in support of this applicant, hence, looking to delay in

conclusion of trial, hence, it is prayed that applicant be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, this applicant forcefully raped the prosecutrix and kept in confinement for two days in jungle. The case has been registered after lodging of FIR by the prosecutrix.
6. Considered on the entire material present in the case diary and looking to this fact trial against him is likely to take some time, for this reason, I am of this view this is a fit case where the applicant should be released on regular bail.
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