

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3133 of 2018**

Sant Vilas Panika S/o Ganga Das Aged About 23 Years R/o Village
Bedlagi, P. S. Lakhanpur, District : Surguja (Ambikapur), Chhattisgarh
--- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Lakhanpur, District : Surguja (Ambikapur), Chhattisgarh ---
Respondent

For the applicant	:	Mr. Nishi Kant Sinha, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.06.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 210/2016 registered at Police Station Lakhanpur, District Sarguja (C.G) for the offences punishable under Sections 354, 366, 376(D), 506-B of IPC and Sections 3(2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989.
2. As per the prosecution case, on 14.11.2016 while the prosecutrix was going to market, at that time, the applicant along-with others came there and forcibly took away her to a certain place and thereafter committed rape.
3. Learned counsel for the applicant submits that the prosecutrix has been examined and she has not been able to identify the applicant, therefore, no case is made out against the applicant. He further submits that the charge sheet has

been filed and the applicant is in jail since 07.12.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of prosecutrix examined as P.W.5. It appears that she has not supported the case of prosecution. Considering the statement of prosecutrix and looking to the period of custody of the applicant as he is stated to be in jail since 07.12.2017, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**