

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4338 of 2018

- Mahendra Kumar Sahu S/o Meghnath Sahu, Aged About 19 Years, R/o- Village- Road Ranitarai, P.S. Devri, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Dondi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Ms. Aditi Singhvi, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application filed before this Court was dismissed as withdrawn. The applicant has been arrested on 08-02-2017 in connection with Crime No.142/16 registered at P.S. - Dondi, Distt. Balod, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC r/w Section 5(l)/6 of Protection of Children from Sexual offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 08-02-2017 and after a lapse of 1 year and 5 months trial has not been concluded, 13 more witness are remaining to be examined by the trial Court. Hence, it is prayed that on the ground of delay the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. Allegation against this applicant is this that he abducted the minor prosecutrix and then committed offence of rape with her. Hence, this case.

6. Considered on the material present in the case diary and also the delay in conclusion of the trial against this applicant. Hence, looking to the period of detention during pendency of the trial, I am of this view that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge