

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4544 of 2018

- Mukesh S/o Shri Naresh Ram, Aged About 26 Years, R/o- Village- Bilaspur, P.S. Batauli, Tahsil- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Dhaupur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2018

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 His first bail application was dismissed as withdrawn with liberty to revive. The applicant has been arrested on 08-12-2017 in connection with Crime No.83/2017 registered at P.S. - Dhaupur, Surguja, Chhattisgarh for the offence under Section 376, 450 and 34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 08-12-2017. No case is made out against this applicant. The prosecutrix has been examined before the trial Court and she has not made any adverse statement against this applicant. Hence, it is prayed that the applicant may be released on 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. It is alleged that the main accused Puran Panika committed house-trespass in the house of the prosecutrix, in the meanwhile, it is alleged that this

applicant who was in his company has stood guard on the door. Hence, this case.

6. Perused the certified copy of the deposition of the victim before the trial Court in which she has not identified this applicant, neither named him as the one who had been in the company of the main accused, also considering on the material present in the case diary, I am of this view that this a fit case to grant regular bail to this applicant.

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