

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4790 of 2018

- Hanslal S/o Jagdhani Gond Aged About 45 Years R/o- Goverdhanpur, P.S. Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant :Shri Jitendra Shrivastava, Advocate.

For Respondent/State :Shri Ramakant Pandey, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

31/07/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 109/2017, registered at Police Station Basantpur, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Sections 366, 376 (2) (n), 342/34 of the Indian Penal Code.
2. As per prosecution story, prosecutrix was aged about 23 years at the time of incident, lodged a written complaint

against the present applicant and co-accused namely Bandhan Jagte, alleging that on 04-06-2017 when she went to Wadrafnagar for filling up a form of Anganbadi worker, present applicant who is the brother-in-law of the prosecutrix called her and met her at Bus Stand. Thereafter, co-accused Bandhan Jagte and present applicant took her on a motor cycle to Ramanujganj, thereafter, co-accused Bandhan Jagte took her in a lodge and she stayed along with him whole night, co-accused committed sexual intercourse with the prosecutrix. Thereafter, on the next day, he made her sign of a stamp paper in the Court. It was further alleged that later on also Bandhan Jagte continued to visit her home and commit forcible sexual intercourse with her. Thereafter, father and brother of the prosecutrix went to the house of Bandhan Jagte then they came to know that he is already married, thereafter, the report was lodged by the prosecutrix.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the another co-accused Bandhan Jagte has already been granted benefit of bail by this Court vide order dated 05.04.2018 passed in MCRC No. 969/2018, present applicant is in custody since 14-09-2017 and trial will likely to take some time, therefore, the applicant may released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.

6. Considering the above facts and circumstances of the case, particularly considering the fact that the another co-accused has already been granted benefit of bail by this Court and also considering the detention period of the accused/applicant, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
(Arvind Singh Chandel)
Judge