

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5738 of 2018

Sunil Kumar S/o Late Shri Jhaggar pardhi, aged about 28 years R/o Village Boirdih, P.S. Lalbagh, Tehsil & District- Rajnandgaon (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Lalbagh, District- Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. Ishan Verma, Advocate
For Respondent	:	Mr. Anil Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

06/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 100/2018 registered at Police Station- Lalbagh (C.G.) for the offence punishable under Sections 376 and 506 of the IPC.
2. As per prosecution story, on 07/01/2018 when prosecutrix, a married lady aged about 29 years had gone to see Madai along with the applicant, it is alleged that the applicant raped with her near a school. A report in this regard was made on 09/03/2018 and the applicant was taken into custody on 10/03/2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated due to some dispute. He further submits that in the cross-examination of the prosecutrix (PW3), she has not supported the case of the prosecution

and has turned hostile. The applicant is in custody since 10/03/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the prosecutrix has not supported the case of the prosecution and has been declared hostile, the applicant is in custody since 10/03/2018, he has no known criminal antecedent, charge-sheet has already been filed and trial will likely to take some time, without further commenting on the 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 for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge