

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7000 of 2018

- Nahar Das @ Naharsay S/o Shri Somaru Das Aged About 35 Years R/o Village- Gudalu, Thana- Bagicha, Civil And Revenue District- Jashpur, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station- Bagicha, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri Samir Behar, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/10/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.73/2018 registered at police station Bagicha, district Jashpur (CG) for the offence punishable under Sections 450,456,376 and 506 IPC.

As per prosecution case, report was lodged at police station Bagicha by the prosecutrix aged about 22 years that on 17.05.18, her husband had gone to another village to work in the brick kiln, at night, when she was sleeping with her 10 years old child in her house, applicant broke open the door and forcibly committed rape on her. It is further stated that when her son saw him, he threatened them of dire consequences and thereafter left at 4.00 a.m.

Counsel for the applicant submits that the applicant has been falsely implicated. He further submits that the applicant is in jail since 21.05.2018 and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge