

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 568 of 2019

- Jeevan Kamlu S/o Shri Ram Kamlu Aged About 28 Years R/o Village Usur, Tahsil Usur, District Bijapur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Usur, District Bijapur Chhattisgarh

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.
For Respondent/State : Shri Amit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/02/2019

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. 03/2018, registered at Police Station Usur, District Bijapur (C.G.) for the offence punishable under Section 450 & 376 of the IPC.
2. In this case prosecutrix is a married lady aged about 24 years. On 11.02.2018, prosecutrix lodged a report alleging that on 15.01.2018 at about 9:30 PM the applicant entered in the rental house of the prosecutrix and committed forcefully sexual intercourse with her. On the basis of said report, offence has been registered against the present applicant and he has been arrested on 11.02.2018 itself.
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 in the statement of the prosecutrix she does not support the case of the prosecution and turned hostile, The applicant is in custody since 11-02-2018, charge-sheet has already

been filed and trial will likely to take some time, therefore, he may be 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.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that in the statement of the prosecutrix she does not support the case of the prosecution and turned hostile, the applicant is in custody since 11-02-2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits 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 local solvent 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