

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1018 of 2019**

- Bhushan Lal Rawte, S/o Darshan Lal Rawte, Caste- Halba, aged about 26 years, R/o Kosmi, Police Station Doundilohara, District Balod, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- S.H.O., Police Station Doundi, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Shri B.P. Singh, Advocate.

For Respondent/State : Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**19/03/2019**

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. 23/2018, registered at Police Station – Doundi, District-Balod, (C.G.) for the offence punishable under Sections 366, 376, 511/34 of IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.
2. In this case, prosecutrix is a girl aged about 19 years. On 04.05.2018, FIR was lodged by the prosecutrix herself wherein it has been alleged that on the same date present Applicant and co-accused S. Kumar @ Chhotu Sahu forcefully taken her inside the truck. Allegedly, co-accused Chhotu Sahu touched the chest and private parts of the prosecutrix and tried to commit rape with her. On the basis of the said, offence has been registered. The present Applicant has been taken into custody on 04.05.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further states that, main accused is S.Kumar @ Chhotu Sahu, who actually committed the alleged offence. He further submits that prosecutrix in her Court statement has not stated anything specific against the present Applicant. Applicant is in custody since 04.05.2018 and trial is likely to take some time. Therefore, he 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 04.05.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge