

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2300 of 2019**

- Manoj Puri S/o Parmeshwar Giri Aged About 26 Years Caste- Goswami, Occupation- Vehicle Driver, R/o Village- Kerta, Police Station Pratappur, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri D.N. Prajapati, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/05/2019**

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. 500/2018, registered at Police Station – Kotwali, Ambikapur, District – Surguja, Chhattisgarh, for the offence punishable under Sections 354, 343, 506, 366, 376(2)(a), 323, 34 of Indian Penal Code.
2. In this case, age of the prosecutrix is about 20 years. As per the prosecution story, it is alleged that on 29.09.2018, while the prosecutrix was going in Auto Rickshaw from Raghunathpur to Ambikapur for work, allegedly, present Applicant took her towards village Kerta and detained her in the house and during course of detention, the Applicant committed sexual intercourse with her, thereafter left her. It is alleged that, present Applicant took the prosecutrix on 20.09.2018 and kept her till 29.09.2018 and during this period, he committed sexual intercourse with her. On 03.10.2018, matter was reported by the prosecutrix and on the basis of the said,

offence has been registered against the present Applicant and other co-accused person Narendra Puri. Applicant has been taken into custody on 03.03.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent. He further submits that incident took place on 20.09.2018 and the matter was reported on 03.10.2018. On the basis the written report and statements of the prosecutrix recorded under Section 161 of Cr.P.C., no allegation about sexual intercourse is made out against the Applicant. The Applicant is falsely implicated in the case due to some dispute. Co-accused Narendra Puri has already been granted bail by the lower Court. Present Applicant is in custody since 03.03.2019 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 03.03.2019, co-accused has already been granted bail by the lower Court 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

Prakash