

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2873 of 2019**

- Sadhunath S/o Bhola Singh Aged About 19 Years R/o Village- Hardibahra, P.S.- Raghunathnagar, District- Balrampur-Ramanujanj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station- Raghunathnagar, District- Balrampur-Ramanujanj, Chhattisgarh.

---- Respondent

For Applicant : Shri Vikas Pandey, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**14/05/2019**

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. 80/2018, registered at Police Station - Raghunathnagar, District – Balrampur-Ramanujanj, Chhattisgarh, for the offence punishable under Sections 366, 376(D), 394 of the IPC.
2. In this case there are total three accused persons. On 24.09.2018 father of the prosecutrix namely Dadnu Ram lodged a report in police station wherein it is stated that on 21.09.2018 her daughter i.e. prosecutrix, aged about 28 years was abducted by her cousin brother namely Sonu Kushwaha. He (Sonu) alongwith present Applicant and another co-accused person took the prosecutrix to Bedhan thereafter, committed sexual intercourse with her. It is further alleged that, they also snatched the bag of the prosecutrix and withdrew Rs. 1,10,000/- from her ATM Card. On the basis of the said allegations, offence has been registered. During course of investigation, on the basis of memorandum statement of accused Sonu, Applicant has been arrested and taken into custody on 29.09.2018.

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 submits that name of the present Applicant is not mentioned in the FIR nor prosecutrix in her statements recorded under Section 161 & 164 of Cr.P.C. has stated the name of the Applicant. TIP has not been conducted by the prosecution. Applicant is in custody since 29.09.2018, charge-sheet has been filed 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 Applicant is in custody since 29.09.2018 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