

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2901 of 2019

- Dukeshwar Sahu S/o Bhawarlal, Aged About 22 Years, R/o Village-Belkhuri, Tahsil- Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through District- Magistrate, Mungeli, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

----Non-applicant

For Applicant – Shri K.P.S. Gandhi, Advocate.

For Non-applicant/State – Shri Sudip Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-06-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-04-2019 in connection with Crime No.95/2019 registered at P.S. - Jarhagaon, District Mungeli, Chhattisgarh for the offence under Section 147, 354, 341, 294, 323, 367, 511 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. Similarly placed co-accused persons, Abhishek Rajput and Arun Rajput have been granted regular bail by coordinate Bench of this Court in MCRC No.3077 of 2019 by order dated 29-05-2019. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, on the date of incident this applicant and five others outraged the modesty of the victim and by use of force tried to make her sit in their vehicle. When the husband of the victim opposed he was

thrashed by the co-accused persons. This applicant and others have been identified in the test identification parade.

6. Considering on the fact that this applicant is in jail since 04-04-2019 and similarly placed other co-accused persons have been granted regular bail, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge