

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3029 of 2019**

- Samaliya Ram Dewangan, S/o - Late Birsingh Dewangan, Aged about - 72 years, R/o - Nawagaon, Kachna, Chowki Birejhar, Police Station Kurud, District- Dhamtari (C.G)

---- Applicant**Versus**

- State of Chhattisgarh, Through - Station House Officer, Outpost Birejhar, Police Station Kurud, District- Dhamtari (C.G.)

---- Respondent

For applicant : Shri Anil Gulati, Advocate

For respondent/State : Shri H. S. Ahluwalia, Dy. A. G.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****07.06.2019**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 25.02.2019 in connection with Crime No. 90 of 2019 registered at Outpost Birejhar, Police Station Kurud, District - Dhamtari (C.G.) for the offence punishable under Section 376 of IPC.
2. As per the prosecution case, the applicant maintained physical relation with the prosecutrix between 05.02.2019 to 12.02.2019.
3. Learned counsel for the applicant submits that he has been falsely implicated due to land dispute and age of the prosecutrix is 72 years and applicant is also of the same age. As the applicant is innocent, he may be released on bail.
4. On the other hand, learned State counsel opposes the application for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the submission of learned counsel for the parties, nature of allegations, the applicant is in jail since 25.02.2019, investigation is complete, charge sheet has been filed, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

VACATION JUDGE