

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 5359 of 2019**

- Bhagwat Sahu S/o Vishnu Sahu Aged About 24 Years R/o Village - Khairbanakala, Police Station - Kawardha, Tahsil - Bodla, District- Kabirdham (Chhattisgarh)

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through - District Magistrate, Kabirdham (Chhattisgarh)

**---- Non-applicant**

---

For Applicant : Ms. Upasana Mehta, Advocate.  
For Non-applicant/State : Mr. Kapil Maini, Panel Lawyer.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**01-10-2019**

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 20.05.2019 in connection with Crime No.79/2019, registered at Police Station- S. Lohara, District- Kabirdham, Chhattisgarh for offence punishable under Sections 365, 366, 294, 506, 323, 34 of I.P.C. and Section 25 and 27 of Arms Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 20.05.2019 and the applicant has been falsely implicated in this case and he is in jail since 20.05.2019. Investigation is complete and charge-sheet has been filed. The applicant has not committed any offence in fact he and the victim of the case were in love affair because of which they were in a meeting which was discovered by her husband and a false F.I.R. has been lodged. The case is pending for trial. Therefore, it is prayed that application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that there are eye witnesses of this incident of abduction and commission of other offences. Hence, this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, this applicant abducted the prosecutrix aged about 22 years and took her in a vehicle to a lonely place in jungle, thereafter, it is alleged that this applicant was stating that he wants to marry the victim and he was also assaulting and beating, threatening and abusing her. The police arrived on the spot and the applicant was taken in custody. F.I.R. has been lodged in this regard.
6. Considering that the case is now pending for trial, hthis applicant does not have any criminal antecedents, the applicant has a defence that he had an affair with the victim of this case., therefore, 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.

Monika

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge