

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5402 of 2019**

- Champeshwar Sahu, S/o Late Kejau Ram Sahu, aged about 34 years, R/o village Khairjhitti, Post Office & Police Station Magarlod, District – Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Magarlod, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	Ms. Mandvi Bhardwaj, Advocate on behalf of Shri Shivendu Pandya, Advocate.
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****16/10/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.156/2019, registered at Police Station – Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 376 of I.P.C.
2. In the instant case, the prosecutrix, at the relevant time, was 25 years old and she is a married lady. The prosecution story, in brief, is that 11.06.2019, the prosecutrix lodged a report alleging therein that on 01.06.2019 at about 7.00 pm, while she was going to answer the call of nature near village pond,

the present applicant came there, caught hold of her and committed forcible sexual intercourse with her. On the basis of said report, offence has been registered. Present applicant has been taken into custody on 12.06.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix has already been examined before the trial Court and in her court statement, she has categorically stated that the applicant has not committed sexual intercourse with her and as such no offence is made out against the present applicant. He also submits that the applicant is in custody since 12.06.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicant is in custody since 12.06.2019 and the 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 his executing a personal bond for a sum of Rs.20,000/- with one solvent surety for the like amount to the satisfaction of

the trial Court for his appearance before the said Court as
and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Pekde