

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5647 of 2019

- Amit Kumar Gautam S/o Shri Salikram Gautam Aged About 32 Years R/o Ward No. 8, Shikshak Nagar, Kawardha, Police Station Kawardha, District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Smt.Arti Chandra Dut, Advocate
For Respondent/State	: Shri Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.225/2019 registered at police station Kawardha, District Kabirdham (CG) for the offence punishable under Sections 376 and 506 IPC and Section 5 and 6 of the Protection of Children from Sexual Offences Act.

Case of the prosecution in brief is that the applicant forcibly committed rape on her. It is alleged that thereafter the applicant threatened her for life.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He further submits that the prosecutrix

is aged about 17 years and 10 months and that prior to filing of complaint by her, the applicant had lodged a report against her that she had set his vehicle on fire. He submits that the applicant is in jail since 06.07.19 and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge