

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5648 of 2019

- Yugal Sahu S/o Devlal Sahu Aged About 19 Years R/o Basin (Khapripara) Police Station Fingeshwar, District Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Shri C.R.Sahu, 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.04/2019 registered at police station Gariyaband (CG) for the offence punishable under Sections 376 (2)(g) and 506 IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

Case of the prosecution in brief is that the applicant had offered her some cold drink containing intoxicating substance and after consuming the same prosecutrix fell unconscious and was subjected to rape by the applicant. It is further alleged that when she regained consciousness, she was threatened for life by the applicant and

developed physical relations with her for about four months.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime and there is a delay of two months in lodging the FIR. He submits that the applicant is in jail since 16.07.19 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