NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6837 of 2019

- Mana Ram S/o Bodhan Sarthi, aged about 65 years, R/o Duggupara, Telsara Korba, District Korba (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Police Station Urga, Korba, District Korba (C.G.)

---- Respondent

For Applicant : Shri Syed Imtiaz Ali, Adv.
For Respondent : Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey

Order on Board

20/12/2019

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.896/2002, registered at Police Station – Urga Korba, District Korba (C.G.) for the offence punishable under Sections 376 and 450 IPC.

2. The prosecution story, in brief, is that on 08.12.2002, the complainant/prosecutrix made a report in police station alleging that the present applicant, who is aged about 65 years, committed rape with her in her house. She is aged about 85 years. Based on this, offence has been registered. The present applicant has been taken into custody on 02.09.2019.

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 chemical analysis report of the prosecutrix is negative. He also submits that the applicant is

aged about 65 years, he is in custody since 02.09.2019, 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 counsel for the State opposed the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 02.09.2019, charge sheet has been filed 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.25,000/- 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde