

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6695 of 2019**

- Murari Sahu S/o Dayanand Sahu, aged 50 years, R/o village - Naragaon, Police Station - Gurur, District Balod (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Malay Shrivastava, Adv.
For Respondent	:	Smt. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****12/12/2019**

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.92/2019, registered at Police Station - Balod, District Balod (C.G.) for the offence punishable under Sections 376(d), 506 IPC and 3(ii)(v) of the SC/ST Act.
2. The prosecution story, in brief, is that the prosecutrix is suffering from Epilepsy for which the applicant had taken her to the co-accused Dr. Vijay Kshatriya who along with other co-accused Santosh Sahu committed sexual intercourse with the prosecutrix. Based on this, offence has been registered. The present applicant has been taken into custody on 14.03.2019.
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 incident is one year old and in the

FIR, the name of present applicant does not find place and in the supplementary statement of the prosecutrix, the present applicant has been named. He also submits that the age of the prosecutrix is 20 year and thus major. It is next submitted that the applicant is in custody since 14.03.2019 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 14.03.2019, 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