

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9316 of 2018

- Kamlesh Kumar Sahu S/o Radheshyam Sahu Aged About 19 Years
Caste Teli, R/o Kodwaridand, Bramhpur, P. S. Premnagar, District
Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Prem Nagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/02/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 55/2018, registered at Police Station City Prem Nagar, District Surajpur (C.G.) for the offence punishable under Section 354, 354(A & B), 366 & 376/511 of the IPC and Section 3 (1) (XI) of the SC/ST (Prevention of Atrocities) Act.
2. As per prosecution story, on 14.07.2018, a written report has been lodged by the prosecutrix, wherein, it has been alleged that at about 6 PM when she had gone to nature call, the applicant came there and asked her for physical favour thereafter she pushed the applicant and raising cries, the applicant pressed her mouth and neck and then dragged her near the graveyard with intention to commit rape, when she shouted for help her mother and sister came there, on seeing them, the applicant fled away from the spot. On the basis of above, offence has been registered. The applicant is in custody since 07.09.2018.

3. Learned counsel appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that prosecutrix, her father and mother examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 07.09.2018, charge-sheet has already filed and trial will take some time, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the prosecutrix, her father and mother examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 07.09.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge