

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 291 of 2020**

- Ramesh Sahu, son of late Shri Mahetra Sahu, aged about 40 years, resident of Vicharpur, Police Station – Lormi, District Mungeli (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Lormi, Civil and Revenue District Mungeli (C.G.)

---- Respondent

For Applicant	:	Shri Banhiman Roy, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****25/02/2020**

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.190/2019, registered at Police Station – Lormi, Civil and Revenue District Mungeli (C.G.) for the offence punishable under Sections 376, 354, 354(a)(1) IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story, in brief, is that prosecutrix made a written report at Police Station Lormi alleging therein that the applicant along with co-accused Devi Prasad Sahu used to visit the house of husband of the prosecutrix where they used to consume liquor. After consuming liquor, her husband used to do bad things with her before them. The applicant along with co-accused Devi Prasad Sahu, taking the advantage of this, also started doing bad things and committed sexual intercourse with her many times against her wishes. The applicant along with co-accused Devi Prasad also tried to outrage modesty of her minor daughter. Based

on this, offence has been registered. The present applicant has been taken into custody on 27.04.2019.

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 prosecutrix (PW/3) in her Court statement raised allegation only against co-accused Devi Prasad. That apart, PW/2, daughter of Prosecutrix, whose modesty is alleged to have been outraged by the applicant, in her Court statement, has also stated against co-accused Devi Prasad. It is next submitted that the applicant is in custody since 27.04.2019, 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 main allegation is against co-accused Devi Prasad, the applicant is in custody since 27.04.2019, 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge