

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 340 of 2020**

- Amresh @ Guddu S/o Paras Nath Aged About 20 Years Caste Binjhiya, R/o Village Basen, Police Station And Tahsil Udaypur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Petitioner**Versus**

- The State Of Chhattisgarh Through Police Station Premnagar, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Aman Kesharwani, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/02/2020**

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.101/2019, registered at Police Station - Premnagar, District Surajpur (C.G.) for the offence punishable under Sections 368, 343 and 376(2)(n) IPC.
2. The prosecution story, in brief, is that the prosecutrix made a written report at Police Station Premnagar alleging therein that on 24.10.2019 at about 1.00 PM she was going along with her son aged 2 year to Tarkeshwarpur Market and when she reached near Ghutara forest, two persons caught hold of her, dragged her to forest and one person committed rape with her while the another was standing there extending his help. Further case is that the prosecutrix was kept in the forest whole night and she was subjected to rape twice. Based on this, offence has been registered. The present applicant has been taken into custody on 29.10.2019.

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 name of the present applicant does not find place either in the FIR or in the statement of the prosecutrix recorded under Section 161 CrPC. That apart, the prosecutrix did not utter even a single word against the present applicant. He also submits that the applicant is in custody since 29.10.2019 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 29.10.2019 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