

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1141 of 2020

Masoom Beg, S/o. Mustkin Beg, Aged About 21 Years, R/o. VIP Colony,
Jivan Vihar Telibandha Raipur Chhattisgarh, Present Address : Ashok
Nagar, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-
Mahila Police Station Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Amit Singh Chauhan, Advocate

For Respondent : Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

12.05.2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.41/2019 registered at Police Station- Mahila Police Station Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 376-D, 324, 506 of Indian Penal Code & Section 3, 2, 5 of Scheduled Caste & Scheduled Tribe Prevention of Atrocities Act, 1989.
2. As per the prosecution case, on 29.11.2019 when the prosecutrix came to Bilaspur, the applicant took her to some place and thereafter committed forceful sexual intercourse along with his friends.
3. Learned counsel for the applicant would submit that the allegation of rape is not attributed to the present applicant and the main allegation of rape is attributed to other accused Shashi & Rajesh; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he read out the statement of the prosecutrix in detail.
5. Considering the statement of the prosecutrix and the fact that the applicant is in jail since 30.11.2019, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge