

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3453 of 2020**

- Ramu Sahu, S/o Shri Latel Ram Sahu, aged about 70 years, R/o Village- Parsada, Police Station Gobra Nawapara, Tahsil- Abhanpur, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gobra Nawapara, Tahsil- Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicant. : Mr. Vivek Mishra, Advocate.
 For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.07.2020**

1. Heard on admission.
2. Admit.
3. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 496/2020 registered at Police Station : Gobra Nawapara, Tahsil- Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
4. As per the prosecution case, the allegation against the present applicant, who is maternal grandfather of the prosecutrix, committed sexual intercourse with her against her will. Based on that, offence has been registered against the applicant and the applicant was arrested.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. Counsel for the applicant further submitted that the prosecutrix is major girl aged about 20 years and applicant is 70 years old man and there is no chance to do forceful intercourse with anyone. He next added in his submission that the prosecutrix is suffering from fits and some boys of her locality have taken advantage of the situation and have done wrongful act and threatened her not to disclose the fact. He also submits that before the lower Court, complainant had filed no objection to the bail application of the applicant, as applicant is in jail since 04.12.2019, therefore, he may be released on bail.
6. On the other hand, State counsel opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix and applicant, no objection of the prosecutrix before the lower Court, as the applicant is in jail since 04.12.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu