

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4678 of 2020

- Jagsai, S/o. Bhondal, Aged about 60 years, R/o. Village Virendra Nagar, Police Chowki Dindo, PS Trikunda, District Balrampur-Ramanujganj CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Trikunda, district Balrampur-Ramanujganj CG

---- Respondent

For Applicant : Shri Arun Kumar Shukla, Advocate
For Respondent /State : Shri H.S.Ahluwalia, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 09/2020 registered at police station Trikunda, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 450,376 and 506-B IPC.

As per prosecution case, report was lodged by the complainant alleging that on the date of incident, when she went out in the night to attend the natures call, applicant entered the room and hide himself there. It is alleged that when she entered the room, the applicant gagged her mouth and thereafter committed rape on her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix is a married lady. He submits that the applicant is 60 years old and is in jail since 25.02.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge