

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4604 of 2020**

- Chandra Vijay Bhardwaj, S/o Girwar Bhardaj, Aged about 24 years, R/o Akharapali, PS Urga, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS-Urga, District Korba (C.G.)

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate.
 For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 325/2019 registered at Police Station- Urga, District Korba (C.G.) for the offence punishable under Sections 302 and 376 of the IPC, 1860.
2. As per the prosecution case, the allegation against the present applicant is that he committed sexual assault with the prosecutrix and thereafter murdered her. After investigation, applicant has been arrested and his memorandum statement was recorded. Based on that offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that on the basis of memorandum only underwear of the applicant has been seized. Furthermore, there are no direct or indirect evidence against the applicant. He further contended that the Postmortem Report also not supported the prosecution case. He next submits that the applicant is in jail since 11.12.2019, there is no likelihood of his

case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, he may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 11.12.2019, 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.
7. 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 trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge