

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5159 of 2020

- Samaylal Cherwa s/o Late Sonu Cherwa aged about 36 years, R/o village Fulwar P.S. Jainagar, Tahsil & District Surajpur(CG)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.Jainagar, District Surajpur (CG)

---- Respondent

 For Applicant : Shri G.P. Shukla, Advocate
 For Respondent/State : Shri Rahul Jha, Govt. Advocate

Hon'ble Smt.Justice Rajani Dubey
Order On Board

21.09.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.127/2020, registered at Police Station Jainagar, District Surajpur (CG) for the offence punishable under Sections 376, 376(2)(F), 376(2)(N), 450, 452, 506 of the IPC.
3. As per the case of prosecution, the complainant has lodged a report that on 3.5.2020 when she was alone in the house, the applicant committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that on account of some land dispute, the applicant has been falsely implicated in the case. He submits that the complainant is a married lady.

He submits that the applicant is in jail since 14.5.2020 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; charge sheet has been filed and trial may take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE