

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7350 of 2019**

- Shantial David S/o late Solomon David, aged about 58 years, R/o Nayapara, Aam Bagicha, Narayanpur, District Narayanpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Narayanpur, District Narayanpur (C.G.)

---- Respondent

For Applicant	:	Shri Anshuman Rabra, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.74/2019, registered at Police Station - Narayanpur, District Narayanpur (C.G.) for the offence punishable under Section 376 sub section (3) read with sections 511, 354(B), 452 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. The allegation against the present applicant is that when the prosecutrix had come to her grand-father's house (Nana) and was roaming in mango garden, the applicant came there hurling abuses, caught hold of the prosecutrix from behind saying that he will commit rape with prosecutrix and started removing her clothes. Based on this, offence has been registered. The present applicant has been taken into custody on 29.07.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that there was old enmity between the applicant and complainant on account of land dispute and the present applicant has been implicated in the case just to take revenge. He also submits that the applicant is in custody since 29.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 29.07.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge