

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7952 of 2019

- Babulal Agrawal S/o Late Mansha Ram Agrawal Aged About 72 Years R/o Mauhapali Road, Kharsiya, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh & Anr. Through The Inspector, Police Station Kharsiya, District Raigarh
- Lakhanlal Chouhan S/o Ramcharan Chouhan Aged About 53 Years R/o Atal Awash Chowki Kahrsiya, District Raigarh, Chhattisgarh.

---- Respondents

For Applicant	: Shri Abhishek Sinha, Advocate
For Respondent/State	: Shri V.K.Agrawal, PL
For Respondent/Complainant	: Shri R.V.Sharma, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/02/2020

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.186/2019 registered at police station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 354(A), 376 and 506 IPC and Sections 3(1)B(1) and Section 3(2)(v) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act.

As per prosecution case, a report was lodged by the complainant/non-applicant No.2 alleging that the applicant has made

an attempt to outrage her modesty and also subjected her to rape.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the complainant as well as his daughter have not supported the prosecution case and turned hostile. He submits that the applicant is aged about 72 years and is suffering from various ailments; is in jail since 20.11.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application. Counsel for the complainant has submitted the affidavit of the complainant stating that he has no objection if the applicant is granted bail.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and also that the complainant and his daughter have not supported the prosecution case and have turned hostile, 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