

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8260 of 2019**

Raju Gupta, S/o Sukhdev Sav, aged about 45 years, R/o Pipraol, P.S. -
Ramanujganj, District Balrampur – Ramanujganj (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh; Through Station House Officer, P.S. Ajak, Balrampur, Distt.
Balrampur – Ramanujganj (C.G.)

----Respondent

For Applicant	: Mr. Rajbahadur Singh, Advocate
For Non-applicant	: Ms. Akshra Amit, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****04/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 08/2019 registered at police Station Ajak, Balrampur, Distt. Balrampur-Ramanujganj for the offence punishable under Sections 452, 354, 376 & 450 of the Indian Penal Code and Section 3(1) (ब-2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989,

(2) Case of the prosecution, in brief, is that on 30.04.2019, at about 12.00 p.m. when the prosecutrix was sleeping with her children, applicant unauthorisedly entered into her house and outraged her modesty knowing fully well that she is a member of Tribe and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is

innocent person and he has falsely been implicated in the crime in question, which is apparent from the statement of the prosecutrix recorded under Section 164 Cr.P.C. before the court below; applicant is in jail since 30.10.2019 and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 30.10.2019; the trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

