

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8317 of 2019**

- Naresh Kumar Sahu S/o Bhagwat Ram Sahu, Aged About 45 Years R/o Village Mathura Nagar Magarlod P.S. Magarlod District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Magarlod District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Akhand Pratap Singh, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/02/2020**

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. 304/2019 registered at Police Station-Magarlod, District - Dhamatari (C.G.) for the offence punishable under Sections 376, 506, 450 of the IPC and 3(2)(v), 3(1)(w)(i)(ii) of SC & ST (Prevention of Atrocities) Act.
2. The brief facts of the prosecution, is that, on 06.11.2019 the complainant lodged a written report that the applicant is her colleague and they work as Sikshakarmi in Govt. School Madeli, on 17.10.2018 at about 7:00 pm., when complainant was in her home at that time present applicant forcefully entered into the house and committed sexual intercourse with the complainant. Thereafter, on 03.08.2019 applicant took the complainant to forest and again committed sexual intercourse with her. Based on this, offence has been registered against the present 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 the complainant has turned hostile and complainant is a 36 years old married lady. He also submits that the applicant is in jail since 22.11.2019, 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.
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 the facts that the complainant has not supported the prosecution case. The present applicant is in jail since 22.11.2019 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**