

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8343 of 2019**

- Kishan Chouhan S/o Shri Janak Ram Chouhan Aged About 21 Years R/o Purana Police Line, Hudko Colony, Raigarh, Police Station - City Kotwali, Tahsil And District - Raigarh Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S. H. O. Of The Police Station - City Kotwali, Tahsil And District - Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Shri Abhishek Saraf, Adv.
For Respondent	:	Shri Anil Tripathi, P.L.

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

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.501/2019, registered at Police Station - City Kotwali, District Raigarh (C.G.) for the offence punishable under Sections 365, 342, 376 and 302 IPC.
2. The prosecution story, in brief, is that on 04.07.2019 at about 11.45 am, the applicant took the prosecutrix on his motorcycle bearing registration No.CG-11-AA-1035 to Vishal Paswan's house and the applicant asked him to leave the room saying that he had to talk to the girl in private. Thereafter, the applicant locked the room from inside, gagged her mouth and committed rape with her. When the

prosecutrix became unconscious, the applicant along with Vishal Paswan took the prosecutrix to Govt. Hospital where she declared brought dead. Based on this, offence has been registered. The present applicant has been taken into custody on 05.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that in the merg intimation, cause of death is not mentioned. Even in postmortem report, no opinion with regard to cause of death of deceased has been given. He also submits that DNA report with regard to prosecutrix and bed sheet is same, whereas the blood sample of the applicant and condom is not being matched. He also submits that the applicant is in custody since 05.07.2019, the 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. Learned State counsel submits that the applicant has been arrested on the memorandum statement of Vikas Paswan, in whose house the applicant had gone along with the prosecutrix.
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 and further considering the fact that expect memorandum and last seen there is no other evidence on

record, the applicant is in custody since 05.07.2019, 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 the applicant 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde