

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8438 of 2019**

- Shubham Sahu S/o Shri Dhananjay Sahu, aged about 19 years, resident of village Laxmipur, P.S. and Tahsil Ambikapur, District Surguja (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri N.K. Mehta, Adv.
For Respondent	:	Shri Anil Tripathi, P.L.
For Complainant	:	Shri Jitendra Shrivastava, Adv.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/02/2020**

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.490/2019, registered at Police Station - Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376(2)(n), 363, 366, 354, 342 IPC and Sections 6 & 17 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story, in brief, is that on 09.08.2019, parents of the prosecutrix had gone out for work and when they came back at 5.00 pm, they found the prosecutrix (P-1) missing. Her friend i.e. another prosecutrix (P-2), who is neighbour, also found missing from her house. They searched their daughter at own level but of no avail, thereafter, a missing report was lodged at police station. Further case is that though the prosecutrix (P-1 and P-2) had gone to Transport Nagar with their boy friends namely Neeraj and Daya Sagar,

thereafter they had gone to the house of Daya Sagar where Daya Sagar forcibly committed sexual intercourse with the prosecutrix (P-1). Further, when they (P-1 and P-2) were going towards bus stand along with one Rohit, it has been alleged that the present applicant along with other co-accused namely Ans Goel intercepted them and assaulted Rohit who accompanied the prosecutrix. Thereafter, the present applicant took both the prosecutrix in the house of his friend Anjali where they stayed whole night and in the early morning at about 4.00 pm, the applicant along with co-accused again took the prosecutrix to Ghunghutta Jharna, where applicant committed rape with the prosecutrix (P-1). Thereafter, on 11.08.2019 both the prosecutrix recovered near village Sandbahar. Based on this, offence has been registered. The present applicant has been taken into custody on 12.08.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that he has filed the copy of court statements of both the prosecutrix, according to which, they have not supported the case of the prosecution and turned hostile. He also submits that the applicant is in custody since 12.08.2019, 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 12.08.2019, 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

Pekde