

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2750 of 2021

1. Somesh Kumar Lohar @ Somu Vishwakarma S/o Ashok Kumar Lohar Aged About 23 Years R/o Risama, Police Station Anda, Tahsil And District – Durg, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Anda, District - Durg Chhattisgarh

---- Respondent

For Applicant	Mr. T.K. Jha, Advocate
For Respondent /State	Mr. Vikram Sharma, Dy. Govt. Adv.

*(Proceedings through Video Conferencing)*Order on BoardByPrashant Kumar Mishra, Ag. CJ7/7/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.13/2021, registered at Police Station Anda, District Durg (CG), for the offence under Sections 376 & 506 of the Indian Penal Code.
3. Some unknown person committed rape with the prosecutrix on 26-1-2021. Since she was not aware of the name of the accused she and her husband tried to search the person in the village and

on the next day they met the present applicant and asked his name on which he informed his name to be Somu Vishwakarma. The FIR was lodged against Somu Vishwakarma.

4. It is argued that the applicant's name is Somesh Kumar Lohar and not Somu Vishwakarma. Learned counsel relies on the Aadhar Card of the applicant to buttress this submission.
5. Learned counsel for the State, *per contra*, would oppose the bail application, however, he would submit that the Test Identification Parade (TIP) has not been conducted.
6. It appears there is no oral evidence also that Somu Vishwakarma is also known as Somesh Kumar Lohar.
7. Considering the entire facts situation of the case, further considering the quality of evidence and dispute about the identity of the present applicant; as also for the fact that the applicant is in jail since 28-1-2021 and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
9. Certified copy as per rules. Sd/-

Gowri

(Prashant Kumar Mishra)
Acting Chief Justice