

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7149 of 2021**

- Netram Sahu S/o Shri Pitamber Sahu, aged about 22 years, R/o Tamantola Mahasamund, Thana – Mahasamund, District Mahasamund (C.G.) (wrongly mentioned Maharibhatha in order)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station – Mahasamund, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Sameer Singh, counsel on behalf of Mr. Sunil Sahu, Adv.
For Respondent	:	Mr. Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****25/10/2021**

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.313/2021, registered at Police Station – Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 376, 328 and 506/34 of IPC.
2. The prosecution story, in brief, is that accused Krishnakant Chouhan took the Prosecutrix to the house, which is allegedly belongs to the present applicant, where she was subjected to sexually intercourse by accused krishnakant Chouhan. The allegation against the present applicant is that he provided his house for committing the said act. Based on this, offence has been registered. The present applicant has been taken into custody on 30.08.2021.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the main accused is Krishnakant and

other co-accused persons namely Ravi Yadav and Bunty have been granted bail by the Court below. He also submits that only allegation against the present applicant is that his house was utilised for committing the offence. It is next submitted that the applicant is in custody since 30.08.2021 and there is no likelihood of his case being decided in near future, therefore, the applicant 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 record.
6. Considering the totality of the facts and circumstances of the case, role of applicant in the alleged offence and further considering the fact that the main accused is Krishnakant Chouhan, 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 concerned 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