

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8807 of 2020

- Jitendra Kumar Sahu S/o Shyam Kumar Sahu Aged About 24 Years
R/o Village- Pawni, Police Station- Bilaigarh, District- Balodabazar-
Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Bilaigarh, District-
Balodabazar-Bhatapara, Chhattisgarh, District : Balodabazar-
Bhathapara, Chhattisgarh

---- Non-Applicant

For Applicant	: Shri Anand Kesharwani, Advocate
For Non-Applicant/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

29/01/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 8.11.2020 in connection with Crime No.211/2020, registered at Police Station- Bilaigarh, District- Balodabazar- Bhatapara(C.G.) for the offence punishable under Sections 294, 323, 377 of the IPC.
2. Case of the prosecution is that on 7.11.2020 at about 8.00 pm, when the complainant was returning to home, the present applicant stopped him on the way and demanded Bidi from him and when the complainant refused to give, the applicant committed unnatural sexual intercourse with him. Based on this, an offence has been registered against the applicant and he was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that no injuries were found on the victim, which is evident from the medical report. He submits

that yet charge sheet has not been filed and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Considering the facts and circumstances of the case, particularly considering the M.L.C. report of the victim according to which except abrasion on abdomen and umbilicus region and contusion over back side, which appear to have been caused during the scuffle, no injury on the anal area is found and other evidence and the applicant is in jail since 8.11.2020 and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/

(Gautam Chourdiya)
Judge