

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9220 of 2020**

- Santosh Tandan S/o Dharam Tandan Aged About 23 Years R/o Village Lakhagarh, Police Station Pithora, District Mahasamund Chhattisgarh,

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Pithora, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant	:	Ms. Aditi Singhvi, Advocate.
For State	:	Mr. D.K. Tiwari, Dy. Govt. Advcate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28-01-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 29-8-2020 in connection with Crime No.207 of 2020 registered at Police Station Pithora, District Mahasamund (CG) for the offence punishable under Sections 376(2) of IPC.
2. The case of the prosecution, in brief, is that on 28-8-2020 at 10.30 pm when the complainant was sleeping outside of the shop situated in market area, at that time, the applicant committed rape on her, thereby the aforesaid offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that the prosecutrix is a well grown up girl aged about 31 years and

FSL report and medical report do not support the case of the prosecution. He would further submit that except the present case, no other case is pending against the present applicant. the charge-sheet has been filed, present applicant is in jail since 28-8-2020, conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly considering the fact that the prosecutrix is a well grown up girl aged about 31 years, as per FSL report and medical report no external injury was found on her body, FSL report also does not support the prosecution case and further considering the evidence of prosecutrix (PW-1) and Hussain Ali (PW-2) who have not supported the prosecution case, detention period of the applicant and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the

said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. 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,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju