

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Cr1.) No. 5624/2020

(Arising out of impugned final judgment and order dated 09-10-2020 in MCRC No. 5665/2020 passed by the High Court Of Chhattisgarh At Bilaspur)

NEERAJ KUMAR SAHU

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH & ANR.

Respondent(s)

IA No. 116559/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 116558/2020 - EXEMPTION FROM FILING O.T.)

Date : 23-02-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Ashutosh Ghade, AOR

For Respondent(s) Mr. Nishanth Patil, AOR
Mr. Vidit Monga, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the petitioner as well as learned counsel for the State. The complainant although served has not appeared.

This special leave petition has been filed against the order dated 09.10.2020 passed by the High Court of Chhattisgarh at Bilaspur in MCRC No. 5665 of 2020, by which the bail application filed by the the petitioner in a case under Sections 498-A, 377 read with Section 34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act has been rejected.

Learned counsel for the petitioner submits that the High Court

has rejected the bail application, particularly, considering the offence under section 377 of the Indian Penal Code. He further submits that the trial is proceeding, in which although several notices have been issued for the victim to appear and give her evidence but she has neither appeared nor given her evidence.

In the facts of the present case, we are of the view that the petitioner has made out a case for grant of bail under Section 439 of the Code of Criminal Procedure.

Let the petitioner be released on bail subject to such terms and conditions as may be fixed by the Trial Court. It shall be open for the petitioner to request the Trial Court to make an effort for settlement between the parties by sending the parties to the Mediation Centre attached to the Court.

The special leave petition is disposed of.

Pending applications stand disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER