

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7408 of 2016

- Lekhu Bangde S/o Shri Dinesh Bangde Aged About 24 Years
R/o Near Lions Vriddhashram, Telibandha, Raipur Police
Station Telibandha, Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through The Police Station Civil Lines
Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. N. Naha Roy, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 206/2016 registered at P.S. Civil Lines, Raipur, Distt. Raipur (C.G) for the offence punishable under Section 376, 506, 34 IPC. The earlier bail application was dismissed as withdrawn on 28.07.2016 with liberty to repeat the same after examination of the prosecutrix.
2. As per the prosecution case, on 04.04.2016 when the prosecutrix was going to Jaipur on the way at about 4.00 p.m., she boarded an auto to go to Railway Station and the auto driver took her to a hospital saying that he had some work there. Thereafter the driver went to hospital and called two persons one of them was this applicant and they were also allowed to sit in his auto and thereafter the prosecutrix along-with other accused were taken to a Garden at

Panchsheel Nagar where the other two accused committed forcible sexual intercourse under threat of life.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the prosecutrix has not attributed any allegation against the present applicant which would be evident from the statement of prosecutrix. He further submits that the applicant is in jail since 17.05.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of the prosecutrix.
6. Considering such statement of the prosecutrix wherein no allegation has been attributed to the applicant and the period of detention as the applicant is stated to be in jail since 17.05.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**