

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7721 of 2016

- Rakesh Kumar Verma @ Mannu Verma S/o Tularam, Aged About 32 Years R/o Village Patan, Police Station Bhatapara, District Balodabazar Bhatapara Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Bhatapara (Gramin) District Balodabazar - Bhatapara Chhattisgarh

---- **Respondent**

For Applicant : Mr. A.S. Rajput, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-12-2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 7-6-2016 in connection with Crime No. 176 of 2016, registered at Police Station Bhatapara (Gramin), District Balodabazar (CG) for the offence punishable under Section 376 of IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Earlier first bail application was dismissed on merit on 19-9-2016.
2. Case of the prosecution, in brief, is that on 4-6-2016 when the prosecutrix was returning to her home after attending the call of nature, the applicant intercepted her in the way and demanded for physical relation and having refused he forcefully committed sexual intercourse with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined in this case and she has not supported

the prosecution case and she turned hostile and husband of the prosecutrix has also been examined and he has not supported the prosecution case and turned hostile. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 7-6-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the prosecutrix and her husband have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the prosecutrix and her husband which would show that they have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix and her husband, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju