

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 743 of 2017

Ramnath S/o Mukundram Yadav, Aged About 26 Years Occupation- Masons,
R/o Village- Samaruma, Police Station- Punjipathara, Tahsil- Tamanar, District-
Raigarh (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Gharghoda, District- Raigarh
Chhattisgarh.

---- Respondent

For Applicant	:	Shri V. K. Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

Heard.

1. This is the second bail application for grant of bail to the applicant. The first application of the applicant was rejected by this Court vide order dated 1.6.2016 passed in MCRC No.2499 of 2016.
2. The applicant has been arrested in connection with Crime No.68 of 2016 registered in Police Station- Gharghoda, District -Raigarh (C.G.) for the alleged commission of offence under Sections 450, 376 and 506 IPC.
3. Learned counsel for the applicant submits that now there is material change in the circumstance in as much as the prosecutrix has been examined and she has clearly stated that nothing happened to her and she has even refused to recognize the applicant. Therefore, it is argued, the applicant has been falsely implicated in a criminal case by the police. As the prosecutrix has already been examined, the applicant may now be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that as the applicant is being tried on the allegation of alleged heinous offence, therefore, as number of other prosecution witnesses remain to be examined, the applicant may not be granted bail.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix has been examined in the Court and she has not supported the case of the prosecution at all and has even refused to recognize the applicant and also taking into consideration the fact that the applicant is in jail since 10.3.2016 and the trial is not concluded, I am inclined to enlarge the applicant on bail.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge