

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6130 of 2017

Ramnarayan Yadav S/o Kaliram Yadav, Aged About 50 Years R/o Village Bhatgaon, Police Station Pulgaon, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sunita Jain, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

11/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.373 of 2015 registered at Police Station- Pulgaon, District Durg (C.G.) for alleged commission of offence under Sections 376 (घ), 376 (2) (ढ), 506, 312 read with Section 34 IPC.
2. Case of the prosecution, in brief, is that the applicant and another co-accused committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been implicated only on suspicion though he has not committed any offence. She would further submit that the prosecutrix has now been examined as P.W.8 during trial and she has not involved the applicant and she did not even identify the applicant as one of the accused. Therefore, at this stage, the applicant may be released on bail.
4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that the prosecution evidence has not yet completed, therefore, the applicant

may not be granted bail as he may abscond or tamper with prosecution witnesses.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has now been examined and she has not identified the applicant as one of the accused, and that he is not likely to abscond or tamper with the prosecution witnesses who are yet to be examined, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- 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