

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5383 of 2017

- Netram Singh Rathore S/o Vishram Rathore, Aged About 43 Years R/o Village Dabhra, District Janjgir Champa (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Sakti, District Janjgir Champa (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 144/2017, registered at Police Station- Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 and 506 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant has been arrested on 25.5.2017 and detained in jail on the basis of FIR lodged by the prosecutrix. After investigation and filing of charge-sheet, the Sessions Trial No.20/2017 was pending before the Court of First Additional Sessions Judge-Sakti District-Janjgir-Champa. The trial has

commenced and the prosecutrix has been examined, who has turned hostile before the trial Court. The other witnesses examined by the prosecution have also turned hostile, hence, looking to this development in the case against the applicant, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the offence of rape was committed on 23.5.2017 and the FIR was lodged on the same date by the prosecutrix in PS-Sakti District-Janjgir-Champa. The merits of the investigation case only can be taken into consideration for grant of bail. Development in trial cannot be taken into consideration, hence, prayed that the application be dismissed.
4. Heard both the parties and perused the case diary.
5. On perusing the statement of the witnesses in the case diary and the medical report, considering the submissions made on behalf of the applicant, applicant is entitled for grant of bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge