

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 216 of 2017

- Madhu Gupta S/o Khedu Ram Gupta, Aged About 22 Years
Occupation Student, R/o Village Basanpali, Police Station / Tehsil
Pussoure District Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Pussoure, District Raigarh Chhattisgarh

---- **Respondent**

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-01-2017

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 5-10-2016 in connection with Crime No. 182 of 2016, registered at Police Station Pussoure, District Raigarh (CG) for the offence punishable under Section 376 and 511 of the IPC. Earlier first bail application was dismissed for want of prosecution on 29-11-2016.
2. Case of the prosecution, in brief, is that on 5-10-2016 a report was made by Smt. Sishobhati Bhoi, mother of the minor girl that on 2-10-2016 her minor daughter was watching TV, at that time the applicant, who is neighbour, came inside the room and started watching TV. Subsequently he tied her mouth with scarf and thereafter tried to commit forcible rape on her, however, mother of the minor girl at that time came and applicant fled away and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, medical evidence does not support the prosecution case and previous enmity was existing between the parties as such false allegations have been attributed to the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 5-10-2016 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.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the minor girl and also her mother.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 5-10-2016, this court is 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