

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2064 of 2017

Rakesh Chandrakar S/o Late Bhikhuram Chandrakar, Aged About 29
Years R/o Jalvihar Colony, Rudri, Police Station Rudri, District
Dhamtari Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Arjuni, District Dhamtari Chhattisgarh

---- Respondent

For applicant - Shri Y.C. Sharma, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/06/2017

1. This is third bail application under Section 439 of Cr.P.C.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 106/2015 registered in Police Station Arjuni, District Dhamtari (CG) for offence punishable under sections 450, 302, 201, 380, 376 of Indian Penal Code and Sections 3(2)(5)(3) and 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the prosecution case, on 7/05/2015 the applicant forcibly entered into the house of victim Pingala Raj and thereafter committed rape and further murder of the victim.
4. Learned counsel for the applicant submits that first bail application was dismissed on 25/01/2016 on the ground that out of 29 witnesses only 7 witnesses remained, thereafter again second bail application was filed which was dismissed as withdrawn on 9/09/2016 as only two witnesses remained to be examined. It is stated that subsequently Cr.M.P. No.1312 of 2016 was decided on 2/02/2017 which was filed by father of the victim wherein

coordinate bench has ordered for further investigation to get finger prints and DNA profiling of the accused and sperm collected from the vagina of the deceased so as to confirm the involvement of the accused in the commission of offence. It is submitted that by the counsel that on the date after entire evidence was recorded, case was fixed for pronouncement of judgement on 2/12/2016 and presently additional charge sheet has been filed, finger print report which has been filed do not support case of the prosecution which leans in favour of the applicant and DNA report is still awaited, therefore considering the evidence applicant cannot be lodged in jail and he may be released on bail.

5. Learned State counsel on enquiry submits that the finger print report which has been filed has not matched with the applicant/accused from the crime scene and DNA report is still awaited which was sent.

6. Considering the facts of this case, applicant is in jail since 7th May 2015 and further taking into fact earlier all the prosecution witnesses were over, thereafter again by the order of this court further investigation was carried out and it is stated that finger print report presently which is filed do not support case of the prosecution and DNA report is still awaited, taking into custody of the applicant and background of the case, without observation on the merit, this court is inclined to release the applicant on bail.

7. Accordingly, the third bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE