

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 7479 of 2017

- Raju @ Mohri @ Rajesh S/o Komal Prasad Satnami, Aged About 20 Years R/o Village Kairwar, Chowki Chilphi, P.S. & Tahsil Lormi District Mungeli, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Kunda, District Kabirdham (Now District Mungeli) Chhattisgarh --- **Respondent**

05.12.2017	Mr. Vimal Kumar Tondey, counsel for the applicant. Mr. Ramakant Pandey, P.L. for the State. This is second bail application filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No.115 of 2000 registered at P.S. Kunda, Distt. Kabeerdham, Distt. Mungeli for the offence punishable u/s 376, 342/34 of IPC. As per the prosecution case, on 23.09.2000 a report was made by the prosecutrix that on 20.09.2000 the applicant along with other accused forcefully entered into her house, took her away and kept in captivity and thereafter on the pretext of marriage, the applicant forcibly committed sexual intercourse with her and thereby the aforesaid offence was committed. Learned counsel for the applicant submits that this is second bail application and the first bail application was dismissed on 20.03.2017. He submits that the victim has been examined and she has not supported the case of prosecution, therefore, he was falsely implicated in this case. Per contra learned State Counsel opposes the bail application. Perused the earlier rejection order. It records that since the applicant is absconding from 2000 that is more than for 15 years, his bail was rejected. That circumstance still remain unchanged. No plausible reason has been assigned that why the applicant was absconding for a long

R a o	time of 15 years. Taking into consideration the fact that earlier the applicant was absconding for more than 15 years which disentitles him to get bail, it would not be proper to evaluate the statement of prosecutrix at this stage. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected. Sd/- GOUTAM BHADURI JUDGE
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