

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 728 of 2018**

- Anil Jaiswal, S/o Late Kedar Prasad Jaiswal, aged about 47 years, R/o Bishrampur, Shantinagar, P.S. Bishrampur, District – Surajpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station – Gandhinagar, District – Surguja (C.G.)

---- Non-Applicant

For Applicant	:	Shri C. Jayant K. Rao, Advocate
For Non-Applicant/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****20.04.2018**

Heard.

1. The applicant has been arrested in connection with Crime No.77/2017 registered at Police Station- Gandhinagar, District – Surguja (C.G.) for alleged commission of offence under Sections 376D, 366, 506, 509 of the Indian Penal Code.
2. Case of the prosecution is that the applicant entered the house of the prosecutrix in the night and committed rape on her.
3. Learned counsel for the applicant would submit that the applicant is in jail since 16.08.2017. He submits that the prosecutrix has falsely implicated the applicant in the present case. He submits that though in the examination-in-chief, she narrated against the applicant, but later on she has not supported the case of the prosecution and has given false statement before the Court.
4. On the other hand, learned State counsel opposes the bail application and submits that the examination-in-chief of the prosecutrix was held on

11.01.2018 and her cross-examination was unduly delayed and kept pending until 19.03.2018, which *prima-facie* shows that the prosecution witnesses are now being tampered. It is found in the examination-in-chief that the prosecutrix has seriously made allegation against the applicant that he has committed rape.

5. Therefore, in these circumstances I am not inclined to grant bail to the applicant because *prima-facie*, it appears that the prosecution witnesses are being tampered. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE