

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.857 of 2018

- Khemchand Gendre S/o Shri Niranjana Gendre, Aged About 27 Years R/o Village Ward No. 11, Chutcutiya, Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhatapara, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Indagaon, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Respondent

For Petitioner	:	Shri B. D. Badgaiyan, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. The applicant in this bail application has been arrested in connection with Crime No.128 of 2017 registered in Police Station-Simga, District-Baloda Bazar-Bhatapara (C.G.) for alleged commission of offence under Section 450, 376 & 506 of the IPC.
2. Case of the prosecution, in brief, is that in the night, the applicant had entered the house of the prosecutrix and committed rape on her.
3. Learned counsel for the applicant would submit that the prosecution story is false and improbable. He would further submit that the prosecutrix has been examined and her statement does not lay credence to the story of the prosecution in so far as actual commission of offence of rape is concerned, because she has stated that the applicant attempted to commit rape and then in the cross-examination, she has stated that rape was committed on her, therefore, on this shaky evidence, the applicant may not be convicted for commission of offence.

4. On the other hand, learned counsel for the State would submit that as stated by the prosecutrix, the applicant entered into the house of the prosecutrix at night and committed offence of rape, therefore, prima facie case is made out against the applicant.

5. Taking into consideration the submissions made by learned counsel for the parties, I am not inclined to grant bail to the applicant.

6. Accordingly, the bail application is rejected. Considering that the applicant is in jail since one year, the trial Court is directed to conclude the trial as early as possible without granting unnecessary adjournment to any of the parties.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E