

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1001 of 2018

Asit Sarkar S/o Late Akhil Sarkar Aged About 33 Years Residing At Village
P.V. 88 Raghunathpur P.S. Bande Tahsil Pankhajur Revenue And Civil
District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bande, District North
Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.K. Tulsyan, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2018

Heard.

1. This is second application for grant of bail. Earlier bail application was dismissed as withdrawn with liberty to revive at an appropriate stage.
2. The applicant has been arrested in connection with Crime No.37 of 2017 registered at Police Station- Bande, District North Bastar (CG) for the alleged commission of offence under Section 376, 456, 450, 506 of IPC.
3. Case of the prosecution is that in the night of 10.06.2017, the applicant entered the house of the prosecutrix and committed rape on her.
4. Learned counsel for the applicant would submit that the applicant has been involved only on suspicion and the applicant has not committed any offence. He would further submit that now the prosecutrix and other important witnesses including the husband of the prosecutrix have been examined during trial and all of them have turned hostile. He would further submit that the prosecutrix has denied that any incident of rape was committed by the applicant. Therefore, at this stage, when the prosecutrix and other important prosecution witnesses eight in number, have already been examined, the

applicant may be granted bail.

5. On the other hand, learned counsel for the State opposes the prayer by submitting that looking to the nature and gravity of offence, the applicant may not be granted bail.
6. Having considered the submission of learned counsel for the parties, particularly taking into consideration that material witness of prosecution including the prosecutrix have already been examined and further taking into consideration the submission that the prosecutrix has not supported the case of the prosecution and turned hostile and the applicant has not involved in the alleged commission of offence and that there is no material to show that the applicant is likely to abscond or tamper with remaining prosecution witnesses, the application is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge