

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2904 of 2018

- Jugeshwar Rajwade S/o Late Mohan Ram, Aged About 65 Years, Caste Rajwar, Occupation Cultivator, R/o Village Sirkotanga, Police Station And Tahsil Lakhanpur, District Sarguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Mahila Station House Officer, Police Station Lakhanpur, Civil And Revenue District Sarguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Mr. Chandrabhushan Kesharwani, Advocate.

For Non-applicant/State – Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application before this Court was withdrawn. The applicant has been arrested on 04-10-2017 in connection with Crime No.164/2017 registered at P.S. - Lakhanpur, District Sarguja, Chhattisgarh for the offence under Section 376(G) of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 04-10-2017. Charge sheet has been filed after completion of the investigation. No offence is made out against this applicant. Co-accused and main accused in this case Sunil Rajwade has been granted bail by this Court in MCRC No.1043/2018 vide order dated 12-04-2018 on the basis of change in statement of the prosecutrix in her statement under Section 164 of the Cr.P.C. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that this applicant has criminal antecedent and there had been some proceedings of preventive nature initiated against him.

4. Heard learned counsel for the parties and perused the case diary.

5. The allegation against this applicant is this that on the date of incident this applicant along with co-accused Sunil Rajwade gang raped the prosecutrix.

6. On perusal of contents of the case diary, it appears that there is development in the statement given by the prosecutrix under Section 164 of the Cr.P.C., in which, she has totally omitted about commission of offence of rape. Hence, under these circumstances and for the reason that similarly placed co-accused person has been granted bail by this Court, I am of this view that this applicant should also be granted regular bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge