

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4607 of 2018**

Mahesh Baghel, S/o. Soma Ram, Aged About 24 Years, R/o.- Village-Chipurpal, P.S.- Chindgarh, District- Sukma, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- P.S.- Sukma, District- Sukma, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.R. Patankar, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

18/07/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.06/2017, registered at Police Station- Sukma, District – Sukma (C.G.) for the offence punishable under Section 376 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after sometime vide order dated 22.02.2018.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 12.09.2017. No case is made out against the applicant on the basis of the material present on record. The prosecutrix has been examined before the Court and she had love affair with this applicant. The FIR has been lodged only because the applicant has refused to marry her. It is submitted that out of 24 witnesses, only 6 witnesses have been examined till date. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix in this case has supported the case of the prosecution in her statement and hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, the applicant has raped the prosecutrix without her consent and willingness. Hence this case.
6. Considered the submissions made and the contents of the case diary. As it appears that almost 10 months have been passed and only six witnesses have been examined till date out of 24 witnesses, which shows that trial is getting prolonged, hence on account of delay in conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge