

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6237 of 2018

- Devdhari S/o Jagnarayan Aged About 40 Years R/o- Village- Koti, P.S.- Raghunathnagar, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Raghunathnagar, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Shri Akhath Kumar Yadav, Advocate.
For Respondent/State	: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/09/2018

1. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 76/2017, registered at Police Station Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 of the IPC.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file a fresh application after examination of the prosecutrix before the Trial Court vide order dated 05-04-2018 passed in M.Cr.C No. 971/2018.
3. As per the prosecution story, on the date of incident at about 5 PM when prosecutrix a lady aged about 21 years went for bringing water from the well, applicant reach there and committed sexual intercourse with the prosecutrix against her will. She lodged a report on 07-09-2017. On the basis of said report, offence has been registered and the applicant has been arrested on 09-09-2017.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that the charge-sheet has already been filed and statement of prosecutrix has already been recorded before the Trial Court, wherein she did not support the case of the prosecution and has turned hostile. The applicant is in custody since 09-09-2017 and trial will take some time. Therefore, he may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution, further considering the fact that the prosecutrix has already been examined before the Trial and did not support the case of the prosecution. The applicant is in custody since 09-09-2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge