

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6733 of 2018**

- D. Sheenu S/o D. Chandrashekhar Aged About 21 Years R/o Tarangi Nagar, Zone-03, Kkhurispar, Police Station-Khurispar, Civil And Revenue District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Bhilai Bhatti, Civil And Revenue District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

 For the appellant : Mr. Punit Ruperal, Advocate.
 For the respondent/State : Shri Suryakant Mishra, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****25-09-2018.**

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 20-3-2018 in connection with Crime No. 44 of 2018 registered at Police Station Bhilai Bhatti, District Durg (CG), for the offence punishable under Sections 376, 120-B, 34 of the IPC.
2. Allegation against the present applicant is that on the date of incident he taken taken key of the house of his friend, took the prosecutrix there and committed rape on her without her will and consent.
3. Learned counsel appearing for the applicant would submit that the prosecutrix is examined before the trial Court and she did not support the version of the prosecution. As per prosecutrix, she is major and made physical relation with the applicant with consent. It is submitted that investigation is complete, charge-

sheet has been filed in the case, the applicant has been falsely implicated in the instant case, he is in jail since 20-3-2018 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the fact that prosecutrix has not supported the version of prosecution, now it is a fit case to enlarge the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju