

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7779 of 2018

- Shankar Ram Kurre S/o Shri Parshu Ram Kurre aged about 22 Years
Occupation- Private Service, Caste Harijan, R/o Mohalla- Kunni
Kenapara, Police Station and Tehsil- Lakhanpur, District- Surguja,
Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District- Magistrate, Surguja, Police
Station- Gandhinagar, Ambikapur, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Nishikant Sinha, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/11/2018

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.102/2018 registered at Police Station- Gandhinagar, Ambikapur, District- Surguja(C.G.) for the offence punishable under Sections 343, 376(2)(N), 323, 506B of the Indian Penal Code.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. In the development later on, the prosecutrix has been examined before the trial Court and she is not supported the prosecution case, hence, it is prayed that no case is made out against this applicant.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. The allegation against the applicant is this, that this applicant by giving allurements to the prosecutrix took her to a lonely place and confined her thereafter he committed the offence of rape. When the prosecutrix used to object or raise alarm, this applicant used to threaten her.
7. Considered on all the material present in the case diary and also perused the certified copy of the deposition of the prosecutrix filed along with this application in which she has not supported the prosecution case. Hence, looking to this development, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

