

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8056 of 2018**

Sunil Pandey S/o Late Kashi Prasad Pandey Aged About 29 Years R/o
Village- Devri, Police Station- Dharsiva, Tahsil And District- Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Dharsiva, Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ashutosh Pandey, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/11/2018**

1. This is the Second Bail application under Section 439 of the CrPC. His first bail application was rejected on 18/07/2018.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.575/2017 registered at Police Station Dharsiva, District Raipur (C.G.) for the offence punishable under Section 376(2)(f)(d), 506, 34 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix, who is aged about 19 years and resident of Saankra. Her brother Vikki Singh Rajput is a criminal. On 28.11.2017 her brother Vicky Singh Rajput and the present applicant took her by saying that they will do the business of Saree at Raipur, when they reached near the Gajraj Pond (Talab) at village Devri at about 1:00 pm, the applicant and Vikki Singh Rajput both of them committed the sexual intercourse with her and threatening her to kill. Thereafter, they took her towards at village Khamariya, when they lose the way, then the prosecutrix saw the police station near the way and went to police station, Khamariya. Thereafter, police sent her to

“Sakhi Center, Bemetara.” On 01.12.2017 when her maternal-uncle Prabhu Singh reached there then she narrated the whole incident to her maternal-uncle and in-charge of Sakhi Center, Bemetara. Thereafter, on the same day i.e. 01.12.2017 she lodged a report against the applicant and her brother Vikki Singh Rajput in the police station, Dhamtari.

4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submits that one criminal case under Sections 294, 324 and 506 B of IPC has been registered against the applicant.
6. Counsel for the applicant submits that prosecutrix has already been examined in the trial Court and she turned hostile, thus applicant may be released on bail.
7. As per the photocopy of the statement of the prosecutrix enclosed with bail application prosecutrix has turned hostile in the trial Court.
8. Looking to the above mentioned facts and circumstances of the case, looking to the photocopy of the statement of the prosecutrix enclosed with bail application, it is ordered that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge