

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 29 of 2018

- Rameshwar Tripathi S/o Late Sitaram Tripathi, Aged About 55 Years, Occupation Senior Manager Mines Rescue Centre Sonwani, Police Station Chirmiri, Tahsil Khadgawan, District Korea Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station Chirimiri, District Korea Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri K.A. Ansari, Senior Advocate with Shri Vipin Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

02-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court by the applicant for regular bail. The first bail application filed by the applicant before this Court was dismissed as withdrawn and that was not decided on its merit. The applicant has been arrested on 19-06-2017 in connection with Crime No.34/2017 registered at P.S. Chirimiri, District Korea, Chhattisgarh for the offence under Section 376, 354, 354क, 506 of the IPC and Section 3(1-11) डब्ल्यू (1)/ 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 19-06-2017. The trial against the applicant has commenced and the prosecutrix has been examined by the trial Court who has turned hostile and not supported the case of the prosecution. Hence, under these circumstances, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. The FIR was lodged by the victim/complainant in this case that on the date of incident when she was on morning walk, the applicant caught hold of her and outraged her modesty and thereafter also threatened her with dire consequences. The complainant in this case belongs to Scheduled Castes. Hence, the case has been registered on her lodging the FIR.
6. Considered on the submissions made and contents of the case diary.
7. As the development of things that have taken place in which the complainant has turned hostile before the trial Court and this applicant is in jail since 19-06-2017, and no purpose would be served if the applicant is kept in detention till conclusion of the trial, hence, for these reasons, in the considered view of this Court, this application filed by the applicant for regular bail deserves to be allowed.
8. Consequently, the application (MCRC No.29/2018) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge