

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4985 of 2019

Ashok Kushwaha S/o Shiv Kumar Kushwaha, aged about 19 years R/o Ward No. 6, Wadrafnagar, Police Chowki Wadrafnagar, Distt. Balrampur Ramanujganj (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through the Police Station Balrampur, Distt. Balrampur Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Mr. A.N. Pandey, Advocate
For Respondent	:	Mr. Shubham Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20/08/2019

1. The Applicant has preferred this Second Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 4/2019 registered at Police Station Balrampur (AJJK), Distt. Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 (d) of the Indian Penal Code and Section 3 (2-V) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.
2. First bail application of the Applicant has been dismissed as withdrawn with liberty to file afresh after examination of the Prosecutrix before the trial Court vide order dated 18/06/2019 passed in MCRC No. 3800/2019.
3. In this case, there are total four accused persons. The age of the Prosecutrix was about 19 years on the date of recording of the FIR. As per prosecution story, on 29/03/2019 the Prosecutrix made a report that

on the same day when she was washing clothes, at that time co-accused Maladevi came there and took her towards for taking woods. When they reached to the forest at about 12:00 pm, the Applicant along with co-accused persons came there and committed forcible sexual intercourse with her. On the basis of said report, offence has been registered. The Applicant has been arrested on 31/03/2019.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute with the family member of the Prosecutrix. He further submits that the Prosecutrix has already been examined before the trial Court and she has not supported the case of the prosecution and has turned hostile. As stated by the Prosecutrix, the Applicant did not commit anything with her. The Applicant is in custody since 31/03/2019, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the Prosecutrix has not supported the case of the prosecution, the Applicant is in custody since 31/03/2019, charge-sheet has been filed and trial will take time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his furnishing a personal bond of Rs. 20,000/- with one 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

rahul