

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6000 of 2019**

- Dhuldhul @ Duldul @ Ratiram S/o Shri Budhram Gond Aged About 22 Years, R/o Khokhaniya, Police Station - Rajpur, District - Balrampur - Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station - Dhaurpur, District - Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rishi Rahul Soni, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/12/2019**

1. Pursuance to order dated 14.11.2019 of this Court, brother of the prosecutrix namely, Ram Kumar S/o Ghuran Gond is present today. On being asked, he has not made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 25/2018 registered at Police Station-Dhaurpur, District-Sarguja (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (ब), 366-क, 114 of the IPC and 5 (ब)/6, 17 of POCSO Act.
4. The prosecution story, in brief is that on 02.05.2018 the accused persons namely Dhuldhul @ Ratiram, Lalu @ Sukhdev Sandilya and Vikas @ Kaila Gond took the prosecutrix from village

Chhermunda to village Khokhaniya by motor cycle and committed rape with the prosecutrix. Based on this offence has been registered against the present applicant.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that prosecutrix and complainant (brother of the prosecutrix) turned hostile before the trial Court. The applicant is in jail since 06.05.2018, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the complainant (brother of the prosecutrix) and the prosecutrix turned hostile and the present applicant is in jail since 06.05.2018 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**