

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6060 of 2019**

- Rajkumar Patel S/o Sahar Ram Patel Aged About 30 Years Occupation Agriculture And Labour, Caste Patel, R/o Kasaniya, Police Station And Tahsil Katghora, District Korba, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : | Mr. Basant Kaiwartya, Adv. |
| For Respondent/State | : | Ms. Akshra Amit, PL.       |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****15.11.2019**

1. 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. 77/2019 registered at Police Station Katghora, District-Korba (C.G.) for the offence punishable under Section 376 (D) of the IPC.
2. The prosecution story, in brief is that, the present applicant and other two co-accused committed gang rape with the prosecutrix on the date of incident. Based on this offence has been registered against the present applicant.
3. 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 the prosecutrix has not supported the prosecution case in her statement before the trial Court, therefore nothing is left in the prosecution case and other two co-accused have already been granted bail in MCRC No. 3929/2019. The applicant is in jail since 29.03.2019, there is no likelihood of his

case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 prosecutrix has not supported the prosecution case in her statement before the trial Court. The present applicant is in jail since 29.03.2019 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.
7. 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**