

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7152 of 2019**

- Jashwant Patel S/o Shri Khagpati Patel Aged About 23 Years Resident of Saddu, Raipur District Raipur Chhattisgarh. At Present Basai Dadar, P.S. Basna, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Devendra Nagar, Civil and Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri T.K. Jha, Advocate.
For Respondent/State	: Shri Sushil Sahu, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**12/12/2019**

1. The applicant has preferred second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 13/19, registered at Police Station – Devendra Nagar, District- Raipur, (C.G.) for the offence punishable under Section 365, 376, 394, 506, 354(kh)/34 of I.P.C. and Section 66 (E) of I.T. Act, 3(1) (E), 3(B)(1), 3(ii)(v) of SC/ST (Prevention of Atrocities) Act.
2. First bail application was earlier dismissed as withdrawn with liberty to file afresh after examination of the prosecutrix before trial Court vide order dated 27.06.2019 passed in MCRC No. 3150/2019.
3. As per the prosecution story, on 06.02.2019, prosecutrix made a report alleging therein that on 05.02.2019 around 8:00 PM when she was on her way to home, at that time present applicant alongwith other co-accused persons came in a car and they forcefully took the prosecutrix inside the car, thereafter, they abused her with filthy languages, removed her clothes, pressed her breast and put finger in her private parts thereby committed forcible sexual intercourse with

her. Applicant and co-accused also snatched her mobile and made her obscene videos and threatened her to make her obscene videos viral. On the basis of the above, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that applicant and prosecutrix both were working in City Center Mall, Pandri, Raipur, and there was love relationship between them. On the date of incident, prosecutrix herself had called the applicant to meet her. Applicant had not committed any crime with her. He further submits that due to some dispute, false report has been made by the prosecutrix. Also, there is no allegation of rape with the prosecutrix in the report. Prosecutrix has been examined and in her Court statement, to implicate the applicant, false allegation of rape has been made by her. Applicant is in custody since 06.02.2019 and trial is likely to take some time. Therefore, it is prayed that applicant may be enlarged on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary and Court statement of the prosecutrix.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the Court statement of the prosecutrix, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge