

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7405 of 2019

- Manju Ram Dhurve, S/o Tulshi Ram Dhurve, Aged About 35 Years, Occupation Agriculturist, R/o Rochan, Police-Station-Bhoramdev, Rajanavagaon, Tahsil - Bodla, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Bhoramdev Rajanavagaon, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Advocate.
For Respondent	:	Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/12/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3956 of 2019 vide order dated 30.7.2019 was dismissed as withdrawn with liberty to revive the same after examination of prosecutrix.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.14/2019 registered at Police Station-Bhoramdev Rajnavagaon, District-Kabirdham(C.G.) for the

offence punishable under Sections 376 & 456 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. The prosecutrix is a major woman and she had been a consenting party. Only because the husband of the prosecutrix arrived on the spot and discovered the applicant and prosecutrix in intimate condition, he has forced prosecutrix to lodge a false complaint against the applicant. The prosecutrix has also been examined before the trial Court and she does not appear to be a reliable witness.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that the prosecutrix has supported the prosecution in the Court, therefore, he is not entitled for grant of regular bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to prosecution case, on the date and time of incident this applicant forced his entry into the house of prosecutrix and then finding her alone he forcefully raped her. Then the husband of prosecutrix arrived and caught hold of the applicant red-handed at the time of commission of offence. Hence, this case.
7. After considering all the facts and circumstances of the case as presented in the case and also given by the prosecutrix before the Court, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on

his furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha