

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1812 of 2020

Sukhram S/o Shiv Prasad Aged About 35 Years R/o Village Makarbandha,
Police Station And Tahsil Ramanujnagar, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. R.V. Rajwade, Advocate.
For Respondent/State	: Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/06/2020

1. The applicant has preferred this third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 170/2018, registered at Police Station Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Sections 354 & 376 of the IPC.
2. First bail of the applicant was dismissed for want of prosecution vide order dated 27.08.2019 passed in MCRC No. 5645/2019.
3. Second bail of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix before the Trial Court vide order dated 05.02.2019 passed in MCRC No. 416/2019.
4. As per prosecution story, the prosecutrix is a married lady, at the relevant time, she was aged about 35 years. On the date of incident, when she was returning with the applicant, allegedly on the way, near Takkupani Jungle, the applicant committed forcible sexual intercourse with her. After the incident, the prosecutrix narrated the whole story to

her husband and thereafter the matter was reported. The applicant is in jail since 10.10.2018.

5. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some previous enmity. He further submits that the prosecutrix is a major lady. The applicant is custody since 10.10.2018 and trial is likely to take some time. Therefore, the applicant may be released on bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for both the parties and also I have gone through the entire statement of the prosecutrix recorded before the Trial Court.
8. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the Court statement of the prosecutrix, without further commenting on merits of the case, I am not inclined to release the applicant on bail.
9. Accordingly, the bail application is rejected.
10. However, Trial Court is directed to expedite the proceedings and decide the matter as early as possible preferably within six months.

Sd/-
(Arvind Singh Chandel)

Judge