

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3727 of 2020**

- Khageshwar Prasad Patel @ K.P. Patel S/o. Mani Ram Patel, aged about 47 years, R/o. Village Kasahibahara, Police Station Khallari, District Mahasamund C.G.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station AJAK Mahasamund, District Mahasamund C.G.

---- Respondent

For Applicant.	:	Mr. Raghvendra Pradhan, Advocate.
For Respondent/State	:	Mr. Ayaz Naved, G.A.
For Objector	:	Mr. Anukul Vishwas, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.07.2020**

1. Heard on Admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 112/2020 registered at Police Station - AJAK Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 376(2)(A)(i), 376(2)(B), 376(D), 506 of the IPC and Sections 3(2)(V) A & 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
4. The allegation against the applicant, as per the prosecution

case, is that he along with three other accused persons has committed sexual intercourse with the prosecutrix against her will and stated that they have taken their obscene video clip and threatened her not to disclose the fact to anyone otherwise they will viral the same and based on that they have committed rape continuously and repeatedly on the prosecutrix. Based on that, after investigation, offence has been registered against him and he has been arrested.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix has already filed an affidavit before the Court and appeared with her counsel and stated that she has no objection regarding the grant of bail to the applicant. He further contended that the other co-accused namely Jainarayan Bhoi and Rajjo @ Rajju Bharati have already been granted bail by this Hon'ble Court on 15.07.2020 passed in MCRC Nos. 3683/2020 & 3674/2020. He next added that the applicant is in jail since 05.03.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
6. Per contra, learned state counsel opposes the bail application.
7. Learned counsel for the Objector made no objection regarding the grant of bail of the applicant.
8. I have heard learned counsel for the parties and perused the case diary.

9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix, releasing of co-accused on bail by this Court, particularly the affidavit as well as the statement of the prosecutrix before the Court though video conferencing in MCRC Nos. 3683/2020 & 3674/2020, in which she had stated nothing incriminating against the present applicant, as 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.
10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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

Vijay Sahu