

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4625 of 2020**

- Uttara Banjare, S/o Bharat Lal Banjare, aged about 32 years, R/o Virjee Jarhagaon, District Mungeli, At present R/o Bharni, Near Rajendra Khande High School, Sakri, P.S. Sakri, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Civil Line Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Naushina Afrin Ali, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.08.2020**

1. The applicant has filed this first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 348/2020 registered at Police Station Civil Line, District Bilaspur (C.G.) for the offence punishable under Sections 376, 376(2)(d)(e) & 450 of the IPC.
2. The prosecution story in brief is that the prosecutrix was admitted in the ICU of Shri Ram Care Hospital, Bilaspur for having consumed poison. In the intervening night of 21.05.2020 and 22.05.2020 the present applicant, who is a ward boy in the same hospital, along with other co-accused raped the victim. Thereafter, father of the prosecutrix registered a complaint and after investigation, offence has

been registered against the applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She further submits that the applicant has been made accused on the basis of suspicion. Referring to the medical report of the prosecutrix counsel for the applicant next contended that as per the opinion of the doctors, there was no injury on the private part of the prosecutrix and the hymen was found intact, hence, no definite opinion can be given about the rape. Furthermore, referring to Annexure A-6, she submitted that according to the FSL Report, no stain of semen or human sperm has been found on the samples. She next contended that as per the Annexure A-2, attendance register, the applicant was not present on duty on the date of alleged incident, except that, the CCTV footage, recovered by the police during investigation does not establish the commission. As the applicant is in jail since 16.06.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application submitting that looking to the nature and gravity of the offence, applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of the counsel, nature and gravity of the offence, facts and circumstances of

the case, as applicant is in jail since 16.06.2020 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 said Court on each and every date given to him by the said Court.

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

Vijay Sahu