

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5361 of 2020**

- Poshan Lal Verma son of late Jhadu Ram Verma, aged about 55 years, R/o Village Karela, Post and P.S. Ranitarai, District Durg(CG)

---- Applicant**Versus**

- State of Chhattisgarh Through : The District Magistrate Durg, District Durg(C.G.)

---- Respondent

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.9.2020**

1. The matter is heard through video conferencing.
2. The applicant has preferred this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.120/2019, registered at Police Station Ranitarai, District Durg (C.G.) for the offence punishable under Sections 376 & 506 (Part II), 377, 511 of the IPC.
3. Earlier bail application of the applicant was dismissed as withdrawn vide order dated 22.1.2020 in MCRC No.7872/2019 with liberty to file the same at an appropriate stage.
4. The prosecution story is that the complainant has lodged a report that on 26.2.2019 in the night at about 10-11 pm her father-in-law asked her to apply pain balm/cream on his shoulder and committed rape with her.
5. Learned counsel for the applicant submits that the applicant is innocent and he has not committed any offence. He submits that on account of family dispute the complainant/daughter in law has lodged a false report

against the applicant. He submits that the applicant is aged about 55 years and suffering from age old diseases. He submits that the applicant is in jail since 17.8.2019 and trial may take some time for its final disposal, therefore, the applicant may be released on bail.

6. On the other hand, learned State counsel opposes the bail application. He submits that one more case is registered against the applicant and being a father-in-law, committed rape on his daughter in law, which is a heinous crime.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, in particular the statements of the witnesses and further considering the fact that the applicant, who is father-in-law, has alleged to commit rape on his daughter in law, I am not inclined to release him on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/

(Rajani Dubey)
Judge