

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5591 of 2020**

- Amin Sai Kodaku S/o Shri Ramlal Kodaku Aged About 35 Years R/o Village- Kapildevpur, P.S.- Chalgali, Distt.- Balrampur- Ramanujganj, (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge P.S. Balrampur, District- Balrampur-Ramanujganj, (C.G.)

---- Respondent

For Applicant	:	Mr. Bhupendra Singh, Advocate.
For State	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.162/2019 registered at Police Station- Balrampur, District- Balrampur-Ramanujganj, C.G. for the alleged commission of offence under Sections 376 & 450 of IPC.
2. Prosecution case is that the applicant committed rape on his own sister.
3. Learned counsel for the applicant would submit that because of the property dispute, the brother-in-law misused the signatures of applicant's sister to get a false report lodged in the police station regarding commission of rape, whereas, the applicant has not committed any such offence and it is highly improbable that applicant would commit rape of his own sister. He would further submit that the prosecutrix has now been examined in the Court and stated that because of the property dispute, a report was lodged in the police station. She is not literate and her signatures were obtained on the blank papers.
4. On the other hand, learned State Counsel opposes and submits that the

allegations are grave in nature and trial is still pending, at this stage, the evidence of the witnesses may not be appreciated.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined before the trial Court and also, submission of learned counsel for the applicant that the prosecutrix has turned completely hostile and not supported the case of the prosecution, without further commending on the merits of the case, at this stage, present is a fit case for grant of bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge