

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5514 of 2020**

- Shamsheer Ali S/o Madar Ali Aged About 35 Years R/o Idghabhatha, Azad Chowk Raipur, District Raipur, Present Address Village Kandarsa Mandir Ka Makan, P.S. Kumhari, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kumhari, District Durg Chhattisgarh

---- Respondent

For Applicant	Mr. Sanjay Kumar Agrawal, Advocate
For Respondent/State	Ms. Fouzia Mirza, Additional Advocate General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****8/10/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.233/2019 registered at Police Station Kumhari District Durg (CG) for the offence punishable under Sections 376, 506, 323 of the IPC.

3. The prosecutrix, aged about 35 years, lodged an FIR on the date of the incident i.e. 2.12.2019 alleging commission of rape by the applicant. However, when examined in the Court vide her deposition --Annexure A/2, she would make allegation of being undressed and outraging her modesty and not of commission of rape.
4. Considering the entire facts situation of the case and the varying statements of the prosecutrix as also the fact that the applicant is in jail since 4.12.2019, this Court is inclined to release the applicant on regular bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
6. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge

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