

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7507 of 2020**

- Haresh Kurre S/o Gajanand Kurre Aged About 35 Years R/o House No. 34, Sant Kabir Das, Ward No. 03 , Purani Basti, Near Sitla Mandir , Gogaon, Police Station Gudiyari, District Raipur Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer , Police Station Gudiyari, District Raipur Chhattisgarh.

**---- Respondent**

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| For Applicant         | : Shri Akhtar Hussain, Advocate |
| For Respondent /State | “ Shri Rakesh Sahu, Dy. GA      |

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**15/12/2020**

The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 97/2020 registered at police station Gudiyari, district Raipur (CG) for the offence punishable under Sections 376 (D) and 506/34 IPC.

The first bail application filed by the applicant was rejected on merits vide order dated 03.09.2020 in M.Cr.C. No. 4922/2020.

As per prosecution case, report was lodged by the prosecutrix alleging that when she woke up in the night for washroom, the applicant has forcefully committed rape after threatening to kill her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the co-accused has been granted bail by this Court in M.Cr.C. No. 5601/2020 vide order dated 19.10.2020 and therefore the applicant may also be granted the benefit. He further submits that there was delay in lodging the FIR; the applicant is in jail since 17.06.2020; the charge sheet has been filed and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that the co-accused has been granted bail by this court, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)

Judge