

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7168 of 2019

- Kheman Lal Ghorapatiya S/o Jagat Ram Ghorapatiya Aged About 30 Years R/o Village Mandri, Police Station Khadgaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Khadgaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Ms. Laxmeen Kashyap, Advocate
For Respondent/State : Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/01/2020

The applicant has filed this 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.35/2019 registered at police station Khadgaon, Rajnandgaon (CG) for the offence punishable under Sections 376 and 506 IPC.

Case of the prosecution in brief is that report was lodged by prosecutrix alleging that the applicant has committed rape on her.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. She further submits that the prosecutrix is major and was a consenting party. She submits that the applicant is

in jail since 16.07.2019; 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.

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, 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. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge