

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8406 of 2019**

Sakalu Ram Rajwade S/o Late Mohan Ram Aged About 35 Years R/o Devri,
Police Station - Baikunthpur, District - Korea, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station AJAK,
District - Korea, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vijay Kumar Sahu, Advocate.
For the Respondent/State : Shri Sudhir Sahu, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.01.2020**

Heard.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.6 of 2019, registered at Police Station – AJAK, Baikunthpur, District – Korea, Chhattisgarh for the offence punishable under Sections 450, 506 and 376(d)/ 34 of the Indian Penal Code and Sections 3(2)(VA) and 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The first bail application of the applicant was dismissed as withdrawn on 8.7.2019 in M.Cr.C. No. 4174 of 2019 with liberty to revive the same after examination of the prosecutrix before the concerned Court.

2. Learned counsel for the applicant submits that the applicant is in jail since 14.3.2019. The prosecutrix has been examined before the trial Court and on perusal of her deposition it can be made out that she is not a reliable witness. This is also a case of the applicant that the prosecutrix was a consenting party. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the evidence is against the applicant and the prosecutrix is not a hostile witness of the prosecution. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on the night of 13.3.2019, this applicant forced his entry into the house of the prosecutrix and then by putting her under threat committed rape with her.

6. Considered the entire material present in the case-diary. The prosecutrix was of age 19 years at the time of incident. Without making any comment on the statement of the prosecutrix before the Court, I feel inclined to grant regular bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge