

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 613 of 2021**

- Manoj Kumar Sahu S/o - Late Alakh Ram Sahu Aged About 38 Years R/o - Village Achanakpur, Police Station Utai, Tahsil Patan, District Durg Chhattisgarh

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Utai, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Ganesh Ram Burman, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**03.03.2021**

1. Applicant has preferred this 2nd application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.256 of 2020 registered at Police Station Utai, District Durg (CG) for the offences punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant, who is Brother-in-law of complainant has committed forceful sexual intercourse with her under life threat of her children.
3. Shri Ganesh Ram Burman, learned counsel for the applicant submits that absolutely false allegations have been levelled against the present applicant due to some other dispute. He further submits that prosecutrix was examined before the trial Court on 05.02.2021, where she turned hostile and has not supported the case of the prosecution.
4. Shri Sidharth Dubey, learned State counsel submits that as per the Charge-sheet placed on record, there was ample evidence against the present

applicant and copy of evidence placed on record by the applicant cannot be looked into at this stage and the applicant cannot be benefited under Section 439 of the Cr PC.

5. I have heard learned counsel for the parties and perused the record as well as copy of evidence placed on record along with covering memo of the prosecutrix dated 05.02.2021.

6. Taking into consideration entirety of the case, all the facts and circumstances, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE