

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1574 of 2021**

- Raja Kol S/o Mangal Prasad Kol Aged About 22 Years R/o Village Dhanouli Police Station Gourela District Gourela-Pendra- Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Gourela District Gourela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate
 For Respondent/State: Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/06/2021**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.17/2020 registered at Police Station Gourela, District Gourela-Pendra-Marwahi for the offence punishable under Section 450 & 376 of the IPC. The applicant was arrested on 20-01-2020.
2. This is a repeat application. Earlier bail application was rejected by this Court vide order dated 31-08-2020 passed in M.Cr.C.No.4174 of 2020.
3. This repeat bail application has been filed by the applicant on the submission that subsequently, the prosecutrix and her husband have been examined in the Court, where none of them have supported the prosecution case and it makes out a case of false implication and in any case, it is exaggerated. He would further submit that if composite and joint reading of the Court evidence of the prosecutrix and her husband is taken as it is, it only shows that a dispute was already going on between the applicant and husband of the prosecutrix and thereafter, the prosecutrix's allegation that she was caught hold by the present applicant with an intention to outrage the modesty and also commission of offence of rape, are not made out against the applicant. It is lastly submitted that as the applicant is in jail since 20-01-2020 and crucial

prosecution witnesses have already been examined, the applicant may be granted bail at this stage.

5. On the other hand, learned State counsel opposes the bail application by submitting that the applicant is being tried for heinous offence and many other prosecution witnesses are yet to be examined. It is submitted that the prosecutrix has clearly stated that she was caught hold by the present applicant with an intention to outrage the modesty, which makes out a prima facie case against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the period of pre-trial detention of the applicant and further taking into consideration the submission of learned counsel for the applicant that crucial prosecution witnesses including the prosecutrix herself and her husband have now been examined in the Court and the fact that the prosecutrix has not alleged rape against her and without further commenting upon the merits of the case, at this stage, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application(M.Cr.C.No.1574 of 2021) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Vacation Judge