

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2852 of 2021**

- Vijay S/o Dujha Nagesia Aged About 35 Years, By Caste-Nagesiya, R/o Village- Jaljali, P.S.- Samripath, District-Balrampur, Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Samripath, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant. : Mr. Sunil Tripathi, Adv.
For Respondent/State : Mr. B. L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.06.2021**

1. The applicant has filed this **Second bail application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 5/2020 registered at Police Station : Samripath, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 376-D, 450, 506, 323/34 of the IPC.
2. The first bail application of the applicant was dismissed as withdrawn by this Court on 28.09.2020 passed in MCRC No. 4755/2020, however, liberty was given to the applicant to file the same after examination of prosecutrix.
3. As per the prosecution case, the allegation against the applicant is that he along with co-accused persons entered the house of prosecutrix, threatened her and committed sexual intercourse with her.
4. Mr. Sunil Tripathi, learned counsel appearing for the applicant

would contend that the applicant has been falsely implicated in the crime in question. Referring to Annexure A/3, no objection certificate of the complainant, counsel for the applicant next contended that the complainant has clearly stated in affidavit that there is no allegation of rape against the applicant. As the applicant is in jail since 13.02.2020, therefore, he may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, detention period of the applicant and further considering the fact that the co-accused has been granted bail by this Court on the same crime, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a sum of Rs. 25,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge

V/-