

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2994 of 2021**

- Ramkesh Singh, S/o Laxman Singh, Aged About 45 Years R/o Village - Sanawal, Thana - Sanawal, District - Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through - The Station House Officer, Police Station - Sanawal, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent**Present:-**

Shri Hariom Rai, counsel for the applicant.
Shri Mateen Siddiqui, Dy.AG for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

27/08/2021

1. Heard.
2. This is repeat bail application. Earlier bail application was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix.
- 3 The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.47/2020 registered at Police Station Sanawal, District Balrampur-Ramanujganj for the offence punishable under Section 458, 376, 506 of IPC and Section 25 & 27 of the Arms Act. The applicant was arrested on 17/09/2020.
4. Case of the prosecution is that the applicant abducted the prosecutrix and committed rape on her on the threat of weapon.
5. Learned counsel for the applicant would argue that the applicant has been falsely implicated and nothing has happened with the prosecutrix. It is also submitted that the prosecutrix has been examined before the trial Court and she has not supported the prosecution case, turned hostile and clearly stated that she had simple quarrel with the applicant and nothing else happened, therefore, at this stage, the applicant may be granted bail with appropriate conditions.
6. On the other hand, learned counsel for the State/non-applicant opposes

the bail application by submitting that the applicant is facing trial for commission of serious offence, in which, he has entered into the house of the prosecutrix and committed rape on her and in case, the applicant is granted bail, he is likely to abscond and hamper the trial.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix has now been examined during trial and also taking into consideration submission that the prosecutrix has not supported the prosecution case, turned hostile and does not involve the applicant in the alleged offence and also that there is no likelihood to abscond or tamper the prosecution witnesses, I am inclined to allow the bail application. Accordingly, the bail application is allowed.

8. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

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