

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4171 of 2021**

- Chhatram S/o Mangal Ram Aged About 30 Years Caste Satnami, R/o Village Jatga Chowki Police Station Katghora, District Korba Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Katghora, District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****10/09/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.54/2019 registered at Police Station – Katghora, District – Korba (C.G.) for alleged commission of offences under Section 376, 506 of IPC.
2. This is second bail application. First bail application was dismissed as withdrawn.
3. Prosecution case is that the applicant committed rape on the prosecutrix being applicant's sister-in-law.
4. Learned counsel for the applicant would submit that the applicant has been falsely implicated because of continuous dispute between the applicant and his wife and at the instance of the in-laws, false report report has been lodged against him to exert pressure. He would submit that the prosecutrix, who is a major, has now been examined in the Court and has clearly admitted aforesaid fact and stated that the applicant has not committed anything wrong with her and the prosecutrix is not inclined to prosecute the applicant for the alleged commission of offence as nothing happened to her and it is stated that it is a case of dispute between the sister of the prosecutrix and the applicant due to which, report

was lodged before the police to teach a lesson to the applicant.

5. On the other hand, learned State counsel would submit that the applicant is being tried for offence which is serious in nature and many other witnesses are yet to be examined and if the applicant is granted bail, smooth progress of the trial may be hampered.

6. Whether the evidence of the prosecution is to be relied upon is a matter of appreciation for the Trial Court. On prima facie consideration, this Court finds that the allegations against the applicant that he committed rape was leveled by his sister-in-law who is a major lady of 22 years. This Court has also taken into consideration the submission of learned counsel that the statement of the applicant, prosecutrix and some other witnesses including in-laws who have also been examined and that in the cross-examination of the prosecutrix, statement has come to the effect that nothing wrong happened to the prosecutrix, because of the dispute between the applicant and his wife, report was lodged, prosecutrix does not want to prosecute the applicant as the applicant has not committed anything wrong with her.

7. Considering the aforesaid submission, without commenting upon the merits of the case, in the opinion of this Court, a case for grant of bail is made out at this stage.

8. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

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