

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5095 of 2021**

- Radhelal Manhare, S/o Late Ramchand Manhare, Aged About 55 Years, R/o Village- Dumar, P.S. Nandini Nagar, Tahsil-Dhamdha, District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- The District Magistrate, Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal along with, Mr. Rishabh Singh Deo, Adv.
For Respondent/State	:	Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.09.2021**

1. The accused/applicant has moved this **fourth bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 09/2019 registered at Police Station- Nandini Nagar, District- Durg, (C.G.) for the offence punishable under Sections 376 & 506 of the I.P.C.
2. The first bail application of the applicant was dismissed on 03.05.2019 passed in MCRC No. 2616/2019 by this Court.
3. The second bail application of the applicant was rejected on 18.06.2019 passed in MCRC No. 3440/2019 by this Court.
4. The third bail application was dismissed as withdrawn on 12.04.2021 passed in MCRC No. 8321/2020 by this Court.
5. As per the prosecution case, the allegation against the applicant is that he has forcibly got consumed liquor to the prosecutrix and committed forcible sexual intercourse with her. Based on this, offence has been registered. Present applicant has been taken into custody on 19.01.2019.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that applicant is 62 years old and infirm person and is suffering from various diseases. The applicant is in jail since 19.01.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and submits that the offence committed by the applicant is of serious in nature, therefore, he may not be granted bail.
8. I have heard learned counsel for the parties and perused the record.
9. Considering the totality of the facts and circumstances of the case, nature of evidence adduced by the prosecution against the applicant, age of the prosecutrix, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

R/-