

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4183 of 2021

Gopal Bhattacharya S/o Govind Bhattacharya Aged About 25 Years R/o Vill. Simultala, P.S.- Ghot, Distt. Gadchirouli (Maharashtra), District : Gadchiroli, Maharashtra

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.- Dongargarh, Distt. Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri J.K. Gupta, Advocate
For State	:	Shri Jitendra Shukla, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2021

Heard.

1. The applicant is arrested in connection with Crime No.69/2020 registered in Police Station- Dongargarh, District- Rajnandgaon (CG) for alleged commission of offence under Section 376 (2) (j) IPC and Sections 67, 67 (a) of the IT Act.
2. This is the second bail application on behalf of the applicant. His earlier bail application was dismissed on 28.8.2020.
3. Learned counsel for the applicant submits that earlier this Court had rejected bail application of the applicant taking into consideration the material contained in the charge sheet but now subsequent development had taken place. The prosecutrix has been examined and she has not supported the prosecution case in so far as allegation of rape is concerned. Therefore, at this stage, when the applicant has remained in jail since 10.2.2020, he may be granted bail.

4. On the other hand, learned counsel for the State opposed the application and submits that trial is still going on. The applicant is alleged to have committed serious offence of abducting and committing rape on the prosecutrix, therefore, he is not entitled to grant of bail.
5. I have heard learned counsel for the parties. Though this Court had earlier rejected bail application, now, subsequent development has taken place and the prosecutrix has been examined. Therefore, taking into consideration the subsequent development and the submission of learned counsel for the applicant that the prosecutrix has been examined but she has not supported the case of the prosecution in so far as allegation of commission of offence of rape on her is concerned and that the applicant is in jail since 10.2.2020, I am inclined to allow the application.
6. The application is accordingly allowed and 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 two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge