

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4626 of 2021

1. Gajendra Kumar Gilhare, S/o Shri Bhagwatram Gilhare, Aged About 22 Years R/o Village Patora, Police Station Fingeshwar, District Gariyaband Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Fingeshwar, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	Mr. Pragalbha Sharma, Advocate
For Respondent /State	Mr. Gagan Tiwari, Dy. Govt. Advocate

Order on BoardByPrashant Kumar Mishra, Ag. CJ15/9/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.65/2021, registered at Police Station Fingeshwar, District Gariyaband (CG), for the offence under Section 376 of the Indian Penal Code.
3. Applicant has allegedly committed forcible sexual intercourse with the prosecutrix, more than 18 years of age.

4. According to the prosecutrix, she was taken to the school premises on bicycle by the applicant by covering a distance of about one kilometer. The prsoecutrix has already been examined before the trial Court. She admits that when the applicant was taking her on the bicycle so many people were available on the road. She also admits in para 10 that the applicant has not committed rape, but later on retracts the statement to again make allegation of rape.
5. Considering the entire facts situation of the case; further considering that the prosecutrix has already been examined; as also for the fact that the applicant is in jail since 22-3-2020, I am of the opinion that present is a fit case to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. Certified copy as per rules.

Gowri

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice