

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4640 of 2021

- Rajesh Choudhari, son of Umed Choudhari, aged about 25 years, resident of Nevri, Police Station Jhagrakhand, District Korea (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Jhagrakhand, District Korea (C.G.)

---- State/Non-applicant

For Applicant : Shri Ramsevak Soni, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23.07.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 21.06.2020 in connection with Crime No. 80/2020 registered in Police Station Jhagrakhand, District Korea (CG) for the offence punishable under Sections 376 & 450 of IPC.
3. The first bail application of the applicant was dismissed on merits vide order dated 26.11.2020 passed in M.Cr.C. No. 6008/2020 by this Court.
4. Case of the prosecution in brief is that on 20.06.2020, the prosecutrix lodged a written complaint at Police Station Jhagrakhand to the effect that on 18.06.2020 at 10:00 pm the accused/applicant committed forcible sexual intercourse with her.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that the prosecutrix was a major married lady of 25 years and in fact she was consenting party, but, she was seen by her children in objectionable position with the applicant, therefore, the

applicant has been falsely implicated in this case. He submits that there is unexplained delay of two days in lodging the report and further the medical report also does not support prosecution case. He further submits that number of witnesses have been examined by the trial Court, but, they are not supported the prosecution case. Therefore, the applicant be released on bail.

6. On the other hand, learned counsel fore the State opposes the bail application.
7. Considering the facts and circumstances of the case, looking to the fact that charges have been framed against the applicant, trial is in progress in this case and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, therefore, I am not inclined to grant bail to the applicant.
8. Accordingly, the second bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge