

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7722 of 2020

- Ramayan Suryawanshi, S/o Ganesh Suryawanshi, Aged About 43 Years R/o Village Kadar, Police-Station-Chakarbhatha, Tahsil Belha, and District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Chakarbhatha District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.L. Sahu, Advocate.
For Respondent/State	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No. 4321/2019 was dismissed as withdrawn with liberty to filed repeat application after examination of material witnesses.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.60/2018 registered at Police-Station-Chakarbhatha, Civil & Revenue District-Bilaspur(C.G.) for the offence punishable under Section 376(2)(L) of IPC.
3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix this

case is deaf and dumb, therefore, she cannot be examined and the applicant is languishing in jail without any fault on his part, hence, it is prayed that he may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that although the prosecutrix is deaf and dumb but there are eyewitnesses of the incident, who have witnessed the act of commission of offence by the applicant, therefore, the applicant is not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is submitted that on the date of incident this applicant was committing rape on the prosecutrix, who is deaf and dumb as well as mentally incapacitated. This was witnessed by the witnesses, and subsequent to which the FIR has been lodged.
7. Considering that there are direct eyewitnesses of this incident, therefore, I do not feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge