

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7386 of 2021

Lal Ji S/o Shri Ram Bakas Aged About 33 Years R/o Village
Piparbahara Maajhapara, Police Station Khadgawan, District Koriya,
Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Khadgawan, District
Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Pragalbha Sharma, Advocate
For Non-applicant	:	Shri B.L.Sahu, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

30/11/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.137/2021 registered at Police Station- Khadgawan, District- Koriya (C.G.) for the offence punishable under Section 376 of IPC.
2. Case of the prosecution is that on 1.5.2021 when the prosecutrix was going to give food to her husband, on the way, applicant caught hold of her and committed rape upon the prosecutrix. The incident was reported to concerned police station on next day,

based upon which, the aforementioned crime was registered against the applicant and he was arrested.

3. First bail application of the applicant was dismissed vide order dated 26.7.2021 in MCRC No.3915 of 2021.
4. Shri Pragalbha Sharma, learned counsel for the applicant would submit that while dismissing earlier application for grant of bail on 26.7.2021, liberty was granted to the applicant to repeat the application after examination of the prosecutrix and now the prosecutrix has been examined before the trial Court. There are contradictions and omissions in her statement, hence, applicant may be enlarged on bail.
5. Shri B.L. Sahu, learned counsel appearing for the State opposes the submissions of learned counsel for the applicant and submits that the prosecutrix was examined before the trial Court and in para-1 of her deposition, she has levelled specific allegation of committing rape upon her, hence, the applicant is not entitled to grant of bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegations, facts and circumstances of the case, the evidence of prosecutrix as appearing in para-1 of her deposition sheet, I do not find present to be a fit case for grant of bail.

8. The application is accordingly rejected.
9. It is made clear that the observations made by this Court herein are with respect to consideration of bail application only.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen