

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8990 of 2020**

- Kishan Lal Markam, S/o Ruplal Markam, Aged About 74 Years R/o Ramnagar Ward No. 14, Kargi Road, Kota, Police Station - Kota, District - Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station, Kota, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Resham Lal Jaiswal, Adv.
For Respondent/State	:	Mr. Samir Uraon, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/02/2021**

1. The accused/applicant has moved this **third bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 296/2019 registered at Police Station - Kota, District-Bilaspur (C.G.) for the offence punishable under Section 376(D) of the IPC.
2. The second bail application of the applicant was dismissed by this Court on 31.08.2020 in MCRC No. 1731/2020.
3. The prosecution story, in brief is that, the prosecutrix demanded Rs. 1000/- from applicant Kishasn for depositing the loan at Mahila Samiti, Kota and the applicant told her that he will give money after coming of co-accused Santosh Rajak. Then the prosecutrix returned to her house. Thereafter, the applicant and co-accused came to the house of prosecutrix and took the prosecutrix in their motorcycle towards Billiband Jungle, where the applicant, co-accused consumed liquor, forcibly drink liquor to the prosecutrix and committed rape with the prosecutrix. Based on this offence has been

registered against the present applicant and arrested him on 01.07.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that prosecutrix herself went along with the applicant and co-accused in their motorcycle and she consumed liquor, there is a money dispute between the applicant and prosecutrix, therefore a false and concocted report has been lodged. He next submits that the applicant is in jail since 01.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicant along with co-accused person has committed rape with the prosecutrix, therefore, the present applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**