

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8470 of 2020**

Umen Sikari, Aged about 20 years, S/o- Shri Kesariya, Caste – Sikari,
R/o- Village – Lipti Majhipara, P.S. - Kapur, District – Raigarh (C.G.)

---- Applicant

Versus

State of C.G., Through – Station House Officer, Patna, District –
Koriya (C.G.)

---- Non-applicant

For Applicant : Mr. Pawan Shrivastava, Advocate.
For Non-applicant/State : Mrs. Fouzia Mirza, AAG

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board**

19/03/2021

Heard.

- (1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 103 of 2020 registered at Police Station – Patna, District Koriya (C.G.) for the alleged commission of offence under Sections 376, 506, 323 & 34 of the Indian Penal Code.
- (2) Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix and also inflicted injuries.
- (3) Learned counsel for the applicant would submit that the applicant has been falsely implicated because of a trivial incident and nothing as alleged

by the prosecution except a trivial incident of dispute occurred. He would submit that the prosecutrix has now been examined in the Court and she has not supported the case of the prosecution with regard to commission of offence under Section 376 IPC. All that she has stated is that a dispute had arisen with Chhindalu, for resolution of which, a meeting was subsequently called and in that meeting some quarrel had taken place. Thereafter, the applicant was taken to police station and report was lodged. She has denied having lodged the report (Ex.P-1) and has not supported the prosecution case.

(4) On the other hand, learned counsel for the State would submit that the allegations are grave in nature and at this state, as the trial is not complete, only on the ground that prosecutrix has been examined, applicant may not be entitled to grant of bail.

(5) I have heard learned counsel appearing for the parties.

(6) On *prima facie* consideration, as against the prosecution allegation, at this stage, the important prosecution witness namely the prosecutrix has already been examined and taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution with regard to commission of offence under Section 376 IPC and turned hostile, I am inclined to release the applicant on bail.

(7) Accordingly, the bail application is allowed.

(8) It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court

with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)
Judge

D/-