

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.9286 of 2020**

- Rakesh Kumar Dahariya S/o Ramratan Aged About 40 Years R/o Vilage Kikirda, Police Station Birra, District Janjgir- Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Birra, District Janjgir- Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent**Present:-**

Shri Ravindra Sharma, counsel for the applicant.
Shri Lalit Jangde, GA for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

12/04/2021

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.60/2020 registered at Police Station Birra, Distt. Janjgir-Champa for the offence punishable under Section 363, 366, 376 & 506 of the IPC and Section 6 of the POCSO Act. The applicant was arrested on 07-06-2020.
2. This is repeat bail application. Earlier bail application was dismissed as withdrawn.
3. Learned counsel for the applicant would submit that now, the prosecutrix has been examined in the Court and she has clearly stated that no report of any commission of offence of rape on her by the accused was filed and she has admitted in her cross-examination that the applicant was harassing the prosecutrix's sister and therefore, as a counter case, report was lodged against the present applicant to involve the present applicant in this case. It is also submitted that mother of the prosecutrix has also been examined. In these circumstances, it is prayed that the applicant may be granted bail.
4. On the other hand, learned State counsel opposes the bail application by

submitting that allegations against the applicant are serious in nature and looking to the seriousness of the offence and that the trial is still not concluded, the applicant is not entitled to bail.

5. On prima facie consideration, it appears that there are allegations of sexual exploitation of the prosecutrix (sister-in-law of applicant) by the present applicant and the prosecutrix has now been examined in the Court.

6. Taking into consideration the submission made by learned counsel for the applicant that the prosecutrix has not supported the prosecution case and denied any such offence having been committed on her and further submission that in the cross-examination, the prosecutrix admits that because of dispute between the applicant and his wife, report was lodged in the police station, at this stage, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application(M.Cr.C.No.9286 of 2020) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety for the like amount to the satisfaction of the Trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge