

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.9162 of 2021**

Shiva Sona S/o Shri Haribandhu @ Jagbandhu Sona Aged About 25 Years R/o V-09, Valmiki Nagar, Kabir Nagar, Police Station- Kabir Nagar, Tahsil District Raipur (Chhattisgarh)

---- Applicant

**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Kabir Nagar, District- Raipur (Chhattisgarh)

---- Respondent

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| For Applicant          | : | Mr. Sudhir Kumar Sahu, Advocate |
| For Respondent – State | : | Ms. Smita Jha, PL for the State |

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**Hon'ble Shri Justice Deepak Kumar Tiwari**

**Order On Board**

**17.12.2021**

1. This is the **third bail** application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.133/2020, registered at Police Station Kabir Nagar, District – Raipur (CG) for the offence punishable under Section 376 and 450 of the IPC.
2. Earlier the *first* bail application was dismissed vide order dated 16.10.2021 in MCRC No.5496/2020 and the *second* bail application was dismissed vide order dated 18.03.2021 in MCRC No.1323/2021, both the bail applications were dismissed with liberty to revive the same after examination of the prosecutrix.
3. As per the prosecution case, the complainant lodged a written report on 07.07.2020 that on the date of incident i.e. on 06.07.2020 the husband of the prosecutrix has gone to his work and their children were playing outside of the house, at the same time, the applicant entered into the house of the

complainant and forcefully committed sexual intercourse with the prosecutrix. After the investigation offence has been registered against the present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that the prosecutrix has turned hostile and did not support the case of the prosecution in any manner so nothing has been survived in this case and that the applicant is in jail since 08.07.2020, therefore, the applicant may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the statement of the prosecutrix as she has not supported the prosecution case and has turned hostile before the trial Court even her mother has also turned hostile, further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the conclusion of trial may take some time, the application is allowed.
7. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.5,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-
  - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
  - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
  - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
  - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

**(Deepak Kumar Tiwari)**  
Judge