

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3006 of 2018

- Harish Chandraker @ Monu Chandraker S/o Ramgopal Chandraker Aged About 19 Years R/o Durga Nagar, P.S. Devendra Nagar, Raipur, District (Revenue And Civil) Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pandari District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Yogesh Pandey, Advocate.
For Respondent/State	:	Mr. Prasoon Bhaduri, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30.05.2018.

Heard.

1. The applicant has been arrested in connection with Crime No.423 of 2017 registered at Police Station- Pandari, District – Raipur, (CG) for the alleged commission of offences under Sections 376, 376 (2) (बै), 201 of the Indian Penal Code.
2. Case of the prosecution is that the prosecutrix was raped by this applicant and other co-accused.
3. Learned counsel for the applicant submits that the prosecutrix has now been examined during trial and she has not involved this applicant in the alleged commission of the offence, according to her, this applicant did not commit rape. Therefore, at this stage this applicant may now be released on bail.

4. On the other hand, learned counsel for the State opposes and submits that looking to the nature and gravity of allegation and when other witnesses are yet to be examined, this applicant may not be granted bail at this stage.
5. Taking into consideration the submissions of learned counsel for the parties particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix has been examined during the trial and she has not involved this applicant in the alleged commission of offence, I am inclined to grant bail to the applicant. Accordingly, the application is allowed.
6. 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.

Certified copy as per rules.

Sd /-
(Manindra Mohan Shrivastava)
Vacation Judge