

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4402 of 2017

Kumesh Kumar Yadav, S/o. Adalat Yadav, Aged About 24 Years, R/o. Village Mohtara, Thana & Tahsil Nawagarh, District -Bemetara, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Thana Nawagarh, District -Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Samir Singh, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 04.04.2017, in connection with Crime No.69/2017, registered at Police Station – Nawagarh, District – Bemetara (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and the prosecutrix had love affair between them since 01.03.2014 to 27.03.2017 and both of them had also performed marriage in a temple and resided together in New Delhi and Pune. Later on both of them came back to their native place and when prosecutrix came

to know that applicant is performing marriage with some other girl, because of which, she has lodged the false report against him. It is submitted that prosecutrix has given statement under Section 164 of Cr.P.C. that she does not want that any action should be taken against the applicant and she has also turned hostile before the trial Court, hence under these circumstances, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. After considering the submission made and the contents of the case diary, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge