

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4493 of 2017

Jitendra Yadav, S/o. Ram Chandra Yadav, Aged About 32 Years, R/o. Uliya, Police Station -Pasta, District -Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through :Station House Officer, Police Station -Pasta, District -Balrampur -Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. J.K. Saxena, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2017

1. This is the first 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.18/2017, registered at Police Station- Pasta, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 3 (2) (v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. Applicant and prosecutrix had previous love affair, the incident as alleged in FIR has taken place between 13-14/02/2017, whereas, the FIR was lodged on 29.03.2017, after sufficient delay and deliberation. Medical report also does not support the version of the prosecutrix, hence for these reasons, the applicant is entitled for grant of regular bail.

3. Per contra learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has made categorical statement against the applicant although there is delay but the day before lodging of FIR applicant again attempted to catch hold of the prosecutrix with some ulterior motive, because of which, she has lodged FIR, hence the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and the fact that the FIR has been lodged with delay, which needs explanation and also looking to the circumstances of this case, 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 Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge