

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1194 of 2016

- Trilochan Yadav S/o Dhaneshwar Yadav, Aged About 39 Years R/o Raikera, Police Station And Tahsil Bagicha, District Jashpur Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station - Bagicha, District Jashpur Chhattisgarh --- **Respondent**

For the applicant : Mr. Awadh Tripathi, Advocate.
For the State : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.1.2017

1. Apprehending arrest in connection with Crime No. 177/2016 registered at Police Station Bagicha, Distt. Jashpur (C.G) for the offence punishable u/ss 376 of IPC the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made on 25.09.2016 that on 24.09.2016 while she was coming back from her maternal home to her in-laws place she alighted from an Auto and at that time, the applicant came there, took her inside the forest and committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the initial allegations made in the written report is not supported by the statements of prosecutrix itself recorded u/s 161 & 164 Cr.P.C., therefore, the applicant may be enlarged

on bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statements of the prosecutrix recorded u/ss 161 & 164 Cr.P.C. In 164 statement, the entire allegations of rape has been denied. Considering such statements and the age of the prosecutrix who is a married lady, I am inclined to allow this bail application.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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/her from disclosing such facts to the Court or any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE