

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8360 of 2016

Ramsharan Yadav, S/o. Chandrahas Yadav, aged about 28 years, R/o. Moti Nagar, Boriya Khurd, Police Station – Tikrapara, Tahsil – Raipur, District – Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Gariyaband, District – Gariyaband (C.G.)

---- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

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.68/2016, registered at Police Station- Gariyaband, District – Gariyaband (C.G.) for the offence punishable under Section 376 (2) (n) of Indian Penal Code 1860 and Section 3 (2) (v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution in brief is that a report was made by the prosecutrix on 29.03.2016 that the applicant on the pretext of marriage has committed forceful intercourse with the prosecutrix, however, refused to marry. Consequently, the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that the prosecutrix was working under the applicant and when she terminated, the false report was made. It is further submitted that the prosecutrix in this case has been examined before the Court below on 03.01.2017 and she has not

supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application, however, he is not able to dispute the fact that the prosecutrix in this case has been examined and she has not supported the case of the prosecution.
5. I have heard the learned counsel for the parties.
6. Taking in to the facts and circumstances of the case and the fact that prosecutrix in this case has been examined and she has not supported the case of the prosecution, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge