

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.1852 of 2017**

- Vikas Yadav S/o Bharatlal Yadav Aged About 21 Years R/o Sunshine Rubber Company, Sankra, Police Station- Somni, District- Rajnandgaon, Chhattisgarh.

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Somni, District- Rajnandgaon, Chhattisgarh.

**---- Respondent**

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| For Petitioner       | : | Shri B. P. Singh, Advocate |
| For Respondent/State | : | Shri Dhiraj Wankhede, GA   |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**07/04/2017**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.169/2016 registered at Police Station Somni, District Rajnandgaon for the offence punishable under Section 342, 363, 376(च) of IPC and Section 6, 7, 8 & 10 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is less than 18 years of age.

4. Learned counsel for the applicant submits that after the prosecution story has been unfolded during trial, it has come out that there was a dispute between the father of the prosecutrix and the applicant, due to which, a false report was lodged. It is submitted that the mother, father and the prosecutrix have been examined during trial and none of them have supported the prosecution case and turned hostile. It is further submitted that the prosecutrix, in her detailed examination by the Court, has clearly stated that the applicant did not do

anything to her. It is submitted that the medical report also does not support the prosecution case because there is no iota of injury either on her private part or any other part of the body of the prosecutrix, therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant is facing trial for commission of heinous offence and therefore, only on the ground of examination of the prosecutrix, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix, her mother and father and two other witnesses have already been examined and none of them have supported the prosecution case and turned hostile and further taking into consideration that the medical report also does not support the prosecution story, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

**(Manindra Mohan Shrivastava)**

**J U D G E**