

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 490 of 2018

- Krishan Kumar Yadav S/o Shri Lal Yadav, Aged About 22 Years, R/o Village Barpali, Thana Katghora, Tahsil Kotghora District Korba Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station A.J.K. Korba, District Korba Chhattisgarh , Chhattisgarh

----Non-applicant

For Applicant – Shri Vikas Pandey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-11-2017 in connection with Crime No.35/2017 registered at P.S. - A.J.K. Korba, District Korba, Chhattisgarh for the offence under Section 376, 506 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 02-11-2017. No case is made out against this applicant. The case is pending and getting delayed for the reason that the prosecutrix is not giving appearance before the said Court, because of which, the trial Court has issued non-bailable warrant of arrest against the prosecutrix. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against this applicant is this, that on the date of incident this applicant has committed offence of rape with the prosecutrix without her willingness and consent who is a member of Scheduled Tribes.

6. Considered on the entire material present in the case diary. The prosecutrix in this case is a major girl and she has avoided the process of the Court and she is not giving appearance before the Court for making her deposition, because of this, the trial is getting delayed. Hence, for these reasons, I am of this view that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge