

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 469 of 2018**

Khageshwar Yadav S/o Shivilal Yadav, Aged About 35 Years R/o Village Rabo Dipapara Police Station Punjipathra, District Raigarh Chhattisgarh , Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Punjipathra, District Raigarh Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Kumar Jaiswal, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.04.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.106 of 2017, registered at Police Station – Punjipathra, District – Raigarh, Chhattisgarh for the offence punishable under Sections 376 and 313 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 20.12.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material present in the charge-sheet. The statement of the prosecutrix itself shows that she was a consenting party and she was not a minor when the incident of sexual act

took place between the applicant and the prosecutrix. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case, the prosecutrix was employed as household helper in the house of the applicant since two years prior to the date of lodging of FIR on 19.12.2017. It is alleged that during this period, the applicant sexually exploited the prosecutrix on number of occasions without her willingness and consent. The prosecutrix became pregnant and the pregnancy of five months was aborted by the applicant forcefully by administering some medicine to her because of which, the prosecutrix got indisposed and had to go for long treatment. Subsequent to that, the FIR was lodged against this applicant.

6. Considering the allegations made, the length of time during which the offence was occurred and also the fact that the prosecutrix appears to be a minor on the date when the alleged offence was committed, I am of the considered view that the applicant deserves to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge