

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1314 of 2018**

Umesh Kumar Bareth, S/o. Kartik Ram Bareth, Aged About 21 Years, R/o.-
Sivni, Police Station -Champa, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station
AJAK, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Singhal, Advocate

For State/respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**18/04/2018**

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.10/2017, registered at Police Station – AJAK, District – Janjgir-Champa (C.G.), for the offence punishable under Section 376 (2) (N) of the Indian Penal Code, Section 3 (2) (5) of S.C. & S.T. (Prevention of Atrocities) Act and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 03.07.2017. Prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution case and she has been declared hostile, hence under these circumstances, the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant committed rape with the minor prosecutrix and continued to do so on number of occasions by alluring her with false promise to marry her. The prosecutrix became pregnant and thereafter on refusal of the applicant to marry her, FIR was lodged.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the statement of the prosecutrix, which shows that the prosecutrix has not supported the case of the prosecution and she has been declared hostile, hence for this reason, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge