**NAFR**

# HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 1215 of 2018**

- Chhatrapal Yadav S/o Sarju Ram Yadav, Aged About 27 Years, R/o- Village Pendrakhi, Police Station- Udaypur, District- Sarguja (C.G.), District : Surguja (Ambikapur), Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Udaypur, District- Sarguja (C.G.), District : Surguja (Ambikapur), Chhattisgarh

**---- Non-applicant**

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For Applicant – Mr. Vivek Kumar Pandey, Advocate.
For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

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

**Order on Board**

**17-04-2018**

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 12-10-2017 in connection with Crime No.95/2017 registered at P.S. - Udaypur, District- Surguja, Chhattisgarh for the offence under Section 342, 366, 376(D), 506 of the IPC and Section 3(II)(V) of the 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 12-10-2017. Presently the case is before the trial Court and the prosecutrix has been examined who has been declared hostile for not supporting the case of prosecution. Certified copy of the deposition of the prosecutrix has filed. It is prayed that under these circumstances, the applicant may be granted 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. According to the prosecution case, this applicant gave lift to the prosecutrix on his motorcycle and instead of taking her to the place she wanted to go, he took her to another place and raped her twice in the night. Next day, the prosecutrix arrived home and narrated about the incident to her husband. Thereafter, the FIR was lodged.

6. Perused the diary statements and also perused the certified copy of the deposition of the prosecutrix before the trial Court, according to which, she has been declared hostile for not supporting the case of prosecution. Looking to this fact that the prosecutrix was a material witness in this case and now she has not supported the prosecution case, I feel inclined to grant bail to the applicant.

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**

Aadil