

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1328 of 2018**

Ujagar Singh Chouhan @ Lakeshwar Chouhan S/o Amarnath Chouhan Aged About 27 Years R/o.- Balpur, P.S.- Champa, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Chouki-Manikpur, P.S.- City Kotwali, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Dubey, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.04.2018**

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.360 of 2017, registered at Police Chowki Manikpur, Police Station – City Kotwali, Korba, District – Korba, Chhattisgarh for the offence punishable under Sections 376, 313, 294 and 506/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 6.6.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The prosecutrix has been examined before the trial Court; where she has turned hostile and not supported the case of the prosecution. 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 applicant raped the prosecutrix without her consent and willingness and when she became pregnant, her pregnancy was forcefully aborted by this applicant with the help of the co-accused persons. The prosecutrix was also abused and threatened by the applicant and the co-accused persons. Hence, this case.

6. Considered the material present in the case-diary. The order passed in M.Cr.C. No. 134 of 2018 dated 30.1.2018, it is mentioned that the prosecutrix has been declared hostile before the trial Court for not supporting the case of the prosecution. Hence, looking to the change in the circumstances, I am of the considered opinion that the applicant deserves to be released on 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

Nimmi