

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7282 of 2017

- Budhdev Yadav S/o Shri Kuldeepak Yadav Aged About 20 Years R/o Khamhariya Police Station Patan Tahsil Patan Civil And Revenue District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patan Civil And Revenue District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Santosh K. Verma, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 106/2017, registered at Police Station- Patan, District – Durg(C.G.) for the offence punishable under Sections 377& 506 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case on account of some previous enmity. He is in jail since 2.8.2017. The charge-sheet has been filed after completion of investigation. The applicant is ready to abide by all the conditions which may be imposed while granting bail to the applicant. Hence, it is prayed that applicant be enlarged on bail.
3. Learned State counsel opposes the bail application and submissions made in this respect.

4. Heard both the parties and perused the case diary.
5. On 1.8.2017 FIR has been lodged by the complainant against the applicant alleging in it that applicant had committed unnatural sexual intercourse on him. On that basis offence was registered against the applicant, thereafter, medical examination of applicant and the complainant was conducted.
6. Considering the submissions made, the contents of the case diary and taking into consideration the medical examination report of the complainant not showing any injury and that no opinion has been given by the examining doctor about the offence committed. For these reasons, I am of this view that this is a fit case where the applicant should be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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