

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1693 of 2018**

Jagelal Yadav S/o Dheeraj Yadav Aged About 30 Years Village- Kewradih,
Thana- Kharora, District- Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Police Station House Officer- Thana-
Kharora, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Deepak Jain, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2018**

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.363 of 2017, registered at Police Station Kharora, District – Raipur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Section 3(1)(12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 7.11.2017 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 and the trial is pending before the concerned Court. 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, on 4.11.2017 at about 9:30 pm, when the prosecutrix had been out of her house to answer the call of nature, the applicant caught hold of her and raped her. It was at that time, the husband of the prosecutrix arrived on the spot and on seeing him the applicant ran away from the spot. Thereafter, the FIR was lodged by the prosecutrix.
6. Perused the contents of the case-diary and also specifically perused the medical report of the prosecutrix. After considering the entirety of the material present in the case of the applicant, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.
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