

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1688 of 2018

- Dev Kumar Patel S/o Shri Phulesh Lal, Aged About 21 Years, R/o Village Chandranagar (Jatraj) Thana And Tahsil Kotghora, Civil And Revenue District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer Police Station- City Kotwali Korba, Civil And Revenue District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pandey, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 30-08-2017 in connection with Crime No.553/2017 registered at P.S. - City Kotwali Korba, District- Korba, Chhattisgarh for the offence under Section 384, 385, 417, 376 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 30-08-2017. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, hence, under this circumstance, the applicant may be granted regular 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 allured the prosecutrix with false promise to marry her and established physical relation with her. He

also took some photographs of intimate moments and thereafter he used the same photographs to threaten the prosecutrix to compel her to submit to his wishes. Thereafter, the prosecutrix lodged the FIR. Hence, this case.

6. Perused the case diary and also perused certified copy of the deposition of the prosecutrix before the trial Court, in which, she has been declared hostile by the prosecutor for not supporting the prosecution case. Hence, it is a change in circumstances and therefore this Court is of the view that this applicant should be granted bail during pendency of the trial against him.

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