

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1746 of 2018**

Shiv Prasad Yadu S/o Kalaram Yadu Aged About 21 Years R/o Village Oteband, Chowki Karhi Bazar, Thana City Kotwali, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Chowki Karhi Bazar, Thana City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Deepak Jain, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.04.2018**

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.549 of 2017, registered at Police Chowki Karhi Bazar, Police Station City Kotwali, Baloda Bazar, District – Baloda Bazar-Bhatapara, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 18 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 6.12.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. 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 and she has 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 committed rape with the minor prosecutrix on the date of incident.

6. Considered the contents of the case-diary and also perused the certified copy of the statement of the prosecutrix in this case in which she turned hostile and not supported the case of the prosecution in any respect. Hence, looking to the development and 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