

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2789 of 2018**

Seetaram Yadav Son of Shri Dashrath Yadav, aged about 46 years, resident of village Bhatgaon, Police Chowki Jevra, Sirsa, Police Station Pulgaon, Dist. Durg (CG)

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate, Durg, P.S. Pulgaon, District Durg (CG)

---Non-Applicant

For Applicant	:	Mr.R.S.Patel, Advocate
For Non-applicant	:	Mr.Majid Ali, Panel Lawyer

Hon'ble Vacation Judge**Order on Board****23/05/2018**

Heard.

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.5/2017, registered at Police Station Pulgaon, Distt. Durg (CG) for the offence punishable under Section 376 of the IPC.
2. It is alleged that the prosecutrix aged about 22 years was subjected to forcibly sexual intercourse by the applicant on 30.12.2016, for which F.I.R. was lodged on 2.1.2017. In her first statement given to the police outpost, she did not allege the commission of rape, however, in her supplementary case diary statement, she would make allegation of commission of rape. In the case diary statement of her mother Uma Yadav also, she

has stated that initially the prosecutrix did not make allegation about commission of rape. Case diary statement of Uma Yadav also reveals that her elder daughter Laxmi informed her that for last two days Seema goes to manure pit but takes too much time to return. On her mother enquired from the prosecutrix, she revealed the incident. Thus, the prosecutrix did not disclose the happening of her own.

3. Considering the quality of evidence, the present is considered to be a fit case for release of the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

(Prashant Kumar Mishra)
Vacation JUDGE

Bablu