

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3515 of 2018**

Khilawan @ Khilanand Yadav S/o Daduram Yadav, Aged About 31 Years, R/o- Padkibhat, P.S. Balod, Tahsil and District- Balod, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through- P.S. Balod, District- Balod, Chhattisgarh

---- Respondent

For Applicant	:	Shri Alok Bakshi, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 02.01.2018 in connection with Crime No. 07/2018 registered at Police Station- Balod, District Balod (CG) for the offence punishable under Sections 341, 376, 323, 506/34 of IPC read with Section 3 (1) (B) and 3 (2) (A) of SCST Prevention of Atrocities Act, 1989.

2. The allegation against the present applicant as per the prosecution is that the applicant along with co-accused is said to have caught hold of the prosecutrix on 01.01.2018 near a railway track and forcibly committed rape on her.

3. Counsel for the applicant submits that the applicant has been made an accused only for some personal vendetta as there appears to be some dispute between the prosecutrix and the applicant. He submits

that the case of the prosecutrix stands falsified for the simple reason that the contention of the prosecutrix itself is that she was forcibly raped by the present applicant after dropping her on the field and dragging her to some distance. But there was no sign of any injury mark on her body detected during the course of MLC. Moreover, the doctor could not find any injury or a case of recent sexual intercourse from the medical examination of the prosecutrix. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposes the bail application on the ground that the allegation levelled against the applicant is quite serious and that there is no reason to falsely implicate the applicant, therefore, prays for rejection of the bail application.

5. Having heard the rival contentions put forth on either side and on perusal of the record, particularly the statement of the prosecutrix and the discrepancies in her statement recorded under Section 161 and 164 CrPC, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**