

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4051 of 2018**

Raj Kumar Yadav, S/o. Late Heeralal Yadav, Aged About 34 Years, R/o Village Parpatiya, Police Station, Kamleshwarpur, Tahsil Manpat, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through, Station House Officer, Police Station Kamleshwarpur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/07/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 60/2017, registered at Police Station- Kamleshwarpur, District – Surguja (C.G.) for the offence punishable under Section 457, 354, & 307 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is in jail since 09.11.2017. No case is made out against him on the basis of the material present in the case diary. The prosecutrix in this case has been examined as P.W.-2 and she has not supported the prosecution case and she has been declared hostile. Hence, it is prayed that the applicant may also be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the case of the prosecution, on the date of incident, the applicant forced his entry into the house of the complainant and then committed rape with her. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering on the certified copy of the deposition sheet of the prosecutrix in which she has not supported the case of the prosecution and has not made any adverse statement against the applicant, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge