

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4316 of 2018

- Lala Prasad Yadav S/o Dhune Ram Yadav, Aged About 25 Years, Caste Bargaha, R/o- Village Dhuidand, P.S. And Tahsil Sitapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Lundra, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-03-2018 in connection with Crime No.34/2018 registered at P.S. - Lundra, Distt. Surguja, Chhattisgarh for the offence under Section 341, 506, 323, 368, 376, 342, 376(2) (ॢ) and 114 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 29-03-2018. No case is made out against him. The prosecutrix is a major woman and she was a consenting party. Belated FIR lodged by her itself shows that the case is concocted. The co-accused has been granted bail. Hence, it is prayed that the applicant may also be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is direct allegation made by the prosecutrix in her statement under Section 161 and 164 of the Cr.P.C., hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix of age 23 years was abducted by this applicant and then she was taken to different place and the applicant kept her in her confinement where he committed rape with her on a number of occasions. She came back on 23-02-2018 and then the FIR was lodged by her on 28-02-2018. Hence, this case.

6. After considering on the material present in the case diary and considering the delay in lodging the FIR, I feel inclined to grant bail to this applicant.

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