

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4695 of 2018**

Arun Yadav S/o Hari Ram Yadav Aged About 32 Years R/o- Village By Caste Raut, Village Janjali Para Korar Thana Korar, District- Uttar, Bastar, Chhattisgarh., District : Kanker, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station In-Charge, Police Station Korar, District- Uttar Baster, Chhattisgarh., District : Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri Akhilesh Kumar, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2018**

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.12 of 2018, registered at Police Station – Korar, District – Uttar Bastar, Chhattisgarh for the offence punishable under Sections 376, 509 and 506 of the Indian Penal Code and Sections 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 05.03.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. After completion of investigation, the charge-sheet has been filed. The prosecutrix in this case is a major lady and she had been a consenting party. As per the contents of the FIR, totally improbable story has been set out by the prosecutrix in this case. 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. It is submitted that looking to the statement given by the prosecutrix, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the applicant by putting the prosecutrix under threat about defaming her by force, exploited her sexually from December, 2017 up till the FIR was lodged i.e. on 22.2.2017. Hence, this case.

6. After considering the entirety of the material present in the case of the applicant, I am of the view that in this case the applicant deserves to be enlarged 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge