

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4870 of 2018**

Kanhaiya @ Mathura Prasad Yadav, S/o. Rameshwar Yadav, Aged About 37 Years, R/o. Basajhal, Police Station Batouli, Distict Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Of Police Station Ambikapur, Distict Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Govind Dewangan, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/07/2018**

1. This is the first 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.92/2018, registered at Police Station- Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 363, 366 and 376 (2) (i) of the Indian Penal Code and Section 5 (m) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 10.02.2018. No case is made out against him. Prosecutrix in this case has been examined and she has not supported the prosecution case. Hence, it is prayed that the applicant may 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. The allegation against this applicant is this that the applicant on the date of incident by force abducted the minor prosecutrix and then by taking her to a lonely place committed the offence of rape. Hence, this case.
6. Considered the submissions made and the contents of the case diary and also perused the certified copy of the deposition of the prosecutrix and her mother. Both of them had not identified the applicant and have not supported the prosecution case for which they have been declared hostile. 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