

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5609 of 2018

- Ajay Yadav S/o Brahmdeo Yadav, Aged About 27 Years, R/o- Village-Nawapara, Aaragaahi, P.S.- Ramanujganj, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through- P.S. Ramanujganj, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rishikant Mahobia, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application, MCFRC No.6419/2017 was dismissed as withdrawn by this Court vide order dated 10-01-2018. The applicant has been arrested on 08-06-2017 in connection with Crime No.90/2017 registered at P.S. -Ramanujganj, District- Balrampur, Chhattisgarh for the offence under Section 376 of the IPC.

2. It is submitted on behalf of the applicant that the applicant is in jail since 08-06-2017. It is submitted that the applicant has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. It is alleged that this applicant has raped the prosecutrix by force when

she was taking bath, regarding which the FIR has been lodged.

6. Considered on the material present in the case diary and perused the certified copy of deposition of the prosecutrix attached with the application which shows that the prosecutrix has not made any adverse statement against this applicant, because of which, she has been declared hostile, hence, under these circumstances, I feel inclined to grant regular 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