

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.7707 of 2018**

- Laxman Ram Yadav S/o Shri Kartik Ram Yadav Aged About 23 Years R/o Village- Kadamdhodhi, Rajaamba, Police Station- Kapu, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Pathalgaon, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Smt. Madhunisha Singh, Advocate
For respondent/State	: Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****29.10.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 15.9.2017 in connection with Crime No. 101/2016 registered at Police Station- Pathalgaon Distt. Jashpur (C.G.), for the offence punishable under Sections 363, 366 & 376 of IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the case of the prosecution, it is alleged that the appellant kidnapped minor prosecutrix from the lawful guardianship and committed rape on her.

3. Learned counsel for the applicant submits that the prosecutrix has been examined before the trial Court as PW-6 and she has not supported the version of the prosecution. She further

submits that since the prosecutrix has denied any incident against her, it is a fit case to grant bail to the applicant.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the fact that the prosecutrix has not supported the version of the prosecution before the trial Court, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)
JUDGE