

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7988 of 2018

- Yogesh Diwakar S/o Mandas Diwakar, Aged About 24 Years, R/o Village Dharampura, Police Station Jarhagaon, District Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Jarhagaon, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivatava, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-10-2018

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 His first bail application was withdrawn with liberty to revive as and when occasion arises. The applicant has been arrested on 28-09-2017 in connection with Crime No.215/2017 registered at P.S. - Jarhagaon, District Mungeli Chhattisgarh for the offence under Section 376, 506, 109 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act and Section 67A of Information Technology Act.

2. It is submitted on behalf of the applicant that the applicant in jail since 28-09-2017. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Hence, for these reasons, 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 allured the prosecutrix with promise to

marry her and then had physical relation with her by obtaining her consent by deceit. Hence, this case.

6. Perused the certified copy of the deposition of the prosecutrix that has been filed along with the application and after due consideration, I feel inclined to allow this application.

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