

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7955 of 2017**

Bajrang Yadav @ Arun Yadav S/o Triveni Yadav, Aged About 25 Years
R/o Balrampur, P. S. And District Balrampur Ramanujganj
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Chando, District
Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri Apoorva Tripathi, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.02.2018**

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.10 of 2017, registered at Police Station – Chando, District – Balrampur, Chhattisgarh for the offence punishable under Sections 376(D) and 366 (cha) of the Indian Penal Code, Sections 5(cha)/ 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 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 8.3.2017 and he has been falsely implicated in this case. The prosecutrix in this case has been examined before the concerned trial Court

and she has not made any allegation against this applicant because of which, she has been declared hostile. Further, the father of the prosecutrix has stated in his evidence before the Court that the prosecutrix was aged about 20 years at the time of incident. 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.

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

5. According to the case of the prosecution, on the date of incident the applicant gave the minor prosecutrix something to eat and after eating it she went unconscious. Thereafter, he committed rape with her. Later on, the prosecutrix informed her mother about the incident. FIR was lodged on 6.3.2017 after delay of 9 days.

6. Considered the contents of the case-diary and perused the statement of the prosecutrix, the certified copy of the statement of the prosecutrix filed alongwith this application, and the fact that the prosecutrix has not identified this applicant as the person who committed rape with her, and as such, she has been declared hostile by the prosecutor. Taking into consideration this change in the circumstances of this case, I am of this 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 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge