

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2316 of 2019

- Shivkumar Yadav S/o Late Ramdhar Yadav Aged About 24 Years R/o Basantpur, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chalgali, District Balrampur-Ramanujganj, Chhattisgarh

---- Non-Applicant

For Applicant : Shri D.N. Prajapati, Advocate.
For Non-applicant : Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/04/2019

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.02/2019 registered at Police Station– Chalgali, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376, 313 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case on the basis of the false allegation levelled by the prosecutrix. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that on the pretext of marriage, the Applicant committed sexual intercourse with the prosecutrix, due to which she became pregnant and after having knowledge of same, the applicant gave her some medicines, due to which her pregnancy has

been terminated, as such no case is made out for grant of bail. Hence, he is not entitled for grant of regular bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Taking into consideration the facts and circumstances of this case, particularly the fact that the prosecutrix in her statement said that she had been in live in relationship for two years, I am of the opinion that this is a fit case where applicant should be released on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge