

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2795 of 2019

- Vinod Yadav S/o Leeman Yadav Aged About 28 Years R/o Village - Arjuni, Police Station - Dongergaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongergaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rakesh Thakur, Advocate.
For Non-applicant : Mr. A. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

09.05.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 375/2018 registered at Police Station – Dongergaon District - Rajnandgaon (C.G.) for the offence punishable under Section 376(2), 294, 323, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 32 years old. She is resident of village Arjuni. One year prior onwards applicant committed forcible sexual intercourse with her, abused her and gave threats to kill her.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the certified copy of the statement of the prosecutrix recorded by the trial Court which is part of the bail petition she turned hostile and did not support the prosecution case. She had stated that applicant had not harassed her. She was not given payment of wages, thus she went to make complaint.
7. Looking to the above facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE