

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3228 of 2019

- Yogesh Kumar Kushwaha S/o Ravichand Kushwaha, Aged About 27 Years, R/o Jouhari, Police Station Raghunathnagar, and District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Raghunathnagar, Civil and Revenue District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sangeet Kumar Kushwaha, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 21-03-2019 in connection with Crime No.24/2019 registered at P.S. - Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 450, 376(2)(b), 323 of the IPC and Section 6 of Protection of Children from Sexual Offences Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 21-03-2019. The applicant has not committed any offence. The prosecutrix, her mother both have been examined before the trial Court and they have not supported the prosecution case, therefore, looking to this circumstance, the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. According to the prosecution case, the applicant after alluring the prosecutrix with false promise to marry her was having relation since about

four years. The physical relation established during this period amounts to commission of offence of rape.

5. Heard learned counsel for the parties and perused the case diary.

6. After perusing the certified copy of deposition of the prosecutrix and her mother, it appears that they have not supported the prosecution case, because of which the prosecutor has declared these witnesses hostile. Looking to this development in the trial, 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