

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3466 of 2019

- Yogesh Sahu S/o Shri Basant Sahu, Aged About 19 Years, R/o Village Dhour, Tehsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through SHO Police Station Jamul, District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2019

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 06-12-2018 in connection with Crime No.570/2018, registered at Police Station Jamul, District Durg, Chhattisgarh for offence under Section 450, 366, 376, 34 of the IPC and Section 5(L), 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. A totally false FIR was lodged against this applicant by the prosecutrix. The prosecutrix has been examined before the trial Court in which she has not supported the prosecution case. Therefore, under these circumstances the applicant is entitled for grant of bail.
3. Learned counsel for the non-applicant/State opposes the application submitting that it is a case of rape with a minor prosecutrix, therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, this applicant sexually exploited the

minor prosecutrix of aged about 13 years for a period of two years. Hence, this case.

6. Considered on the entire material present in the case diary and also perused the certified copy of deposition of the prosecutrix. The prosecutrix has been declared hostile by the prosecution for not supporting the prosecution case, therefore, this is change in circumstances on the basis of which the applicant has become entitled for grant of regular bail.

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