

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3637 of 2019

- Kiratram Yadaw @ Gabbar S/o Dilip @ Dukalu Yadaw Aged About 19 Years Tahsil - Kota District - Bilaspur Chhattisgarh, At Present R/o - Purani Basti, Lingiya - Deeh, Police Station - Sarkanda Tahsil And District (Revenue And Civil) Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Sarkanda District (Revenue And Civil) Bilaspur Chhattisgarh.

---- Respondent

 For Applicant : Shri Anand Kesharwani, Advocate
 For Respondent/State : Shri Anil Tripahi, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

21.10.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.345/2019, registered at Police Station Sarkanda, District Bilaspur(CG) for the offence punishable under Sections 450, 376 of the IPC.
3. As per the case of prosecution, on 28.3.2019, at about 1.30 pm, when the prosecutrix aged about 19 year was alone in the house, the applicant entered into her house, gagged her mouth and committed rape against her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix has lodged a false report against the applicant. On 28.3.2019, the applicant was doing labour work along with his father under the Contractor- Vinod Yadav. He submits the applicant is in jail

since 4.4.2019 and yet charge sheet has not been filed and trial will take some time for its final disposal, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in jail since 4.4.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE