

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3693 of 2019**

Dinesh Yadav S/o Rambrish Yadav Aged About 21 Years Sakin Jarhadih
Near Samlaya Mandir (Temple) Ambikapur, District Surguja Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Arakshi Kendra - Ambikapur, District
Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Pathak, Advocate.
For the Respondent/State : Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2019**

Heard.

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.192 of 2018, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366(A), 376(2)(n) and 417 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.4.2018 and has been falsely implicated in this case. The prosecutrix has been examined under Section 164 of the Cr.P.C. and in that statement she has not made any kind of allegation against this applicant.

No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor of age below 18 years. Hence, the applicant is not entitled for grant of regular bail.

4. The notice was issued for appearance of the informant in compliance of Section 439(1)(a) of the Cr.P.C. and it has been served upon the informant but there is no representation.

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

6. According to the prosecution case, it is alleged that the applicant had abducted the minor prosecutrix aged about 17 years and has committed the offence of rape with her.

7. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., it appears that she has retracted from her statement given under Section 161 of the Cr.P.C., therefore, in this situation, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge