

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4378 of 2019

- Laxman Yadav S/o Devmun Yadav Aged About 46 Years Caste- Ahir R/o Village Bardand, P.S. Sitapur, District- Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge, Sitapur, District- Surguja, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rakesh Pandey, Advocate.

For Non-applicant/State : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2019

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 27.04.2019 in connection with Crime No. 27/2019, registered at Police Station– Sitapur, District- Surguja, C.G. for offence punishable under Sections 376, 506, 114, 341, 366, 34 of I.P.C.
2. It is submitted by learned counsel for the applicant that the prosecutrix in this case is a major lady of age 19 years and she had been a consenting party. The F.I.R. has been lodged only for the reason that the affair of the prosecutrix and the applicant was discovered by her father-in-law. The applicant is in jail since 27.04.2019. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, the applicant on the date of incident making a proposition that he loves the prosecutrix he forcefully raped her and also threatened her for not disclosing about the incident to any person. It is also stated that during this incident, all of a sudden, the father-in-law of the prosecutrix arrived on the spot and found the prosecutrix in objectionable condition.
6. After considering all the facts and circumstances of this case and also especially considering that no sign of injury has been found on the body of the prosecutrix in the medical examination, 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

Monika