

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4552 of 2019

- Shyam Sundar Yadu S/o Late Abhayram Yadu Aged About 52 Years R/o Village Semri, Post Office Gujra, Police Station Patan Tehsil Patan District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Shri Vijay Kumar Sahu, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

05/08/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 77/2019 registered at police station Patan, District Durg (CG) for the offence punishable under Sections 376 and 506 IPC.

Case of the prosecution in brief is that on the date of incident, when the prosecutrix had gone to attend the nature's call, applicant gagged her mouth and after threatening her, removed her clothes and committed rape on her and the prosecutrix disclosed about the incident only after 4-5 months when she became pregnant. Thereafter report was lodged against the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that there is delay in lodging the FIR and the applicant is in jail since 01.05.2019. He further submits that the trial may take some time for its disposal and therefore he be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge