

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3924 of 2020

Rakesh Yadav S/o Shri Jwala Prashad Yadav Aged About 21 Years R/o Syahi, Police Station Bashantpur , District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station AJK Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shashi Bhushan Tiwari, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.
For Complainant	: Mr. Ashutosh Trivedi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2020

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.26/2019, registered at Police Station – AJK Balrampur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (n) of the Indian Penal Code, Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of Prevention of Atrocities

Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The informant and other material witnesses have been examined, who have not supported the prosecution case, therefore, nothing is left against this applicant. Hence, it is prayed that the applicant may 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 has supported the case in her statement under Section 164 of Cr.P.C., therefore, the applicant has no entitlement for grant of bail.
4. Complainant – Ramsewak is present in person before this virtual Court through Help Desk of this High Court. He has made statement of no objection in grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant has exploited the minor prosecutrix sexually, who also happens to be the member of scheduled tribe.

7. Considered on the submissions made and also perused the certified copy of the deposition of the witnesses. It is found that prosecutrix has been declared hostile by the prosecution for not supporting the case of the prosecution. Looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge