

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 82 of 2020

Dharmendra Yadav S/o Shri Darbari Yadav Aged About 22 Years R/o Village Chherkadih, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Palari, District Balodabazar Bhatapara Chhattisgarh.

---- Non-applicant

For the Applicant	: Mr. Anchal Kumar Matre, Advocate.
For Non-applicant/State	: Mr. Chandra Bhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is a *repeat* bail application filed by the applicant before this Court for grant of regular bail. The earlier bail application MCRC No.5126 of 2019 was dismissed as withdrawn on 18.9.2019 with liberty to revive the same after the examination of the prosecutrix in the case. The applicant has been arrested on 20.6.2019 in connection with Crime No.317/2018, registered at Police Station - Palari, District- Baloda Bazaar, Bhatapara, Chhattisgarh for offence punishable under Sections 363, 366, 376 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Therefore, there is nothing left in the prosecution against the applicant. Hence, it is prayed that the application be allowed.

3. Learned counsel for the State/non-applicant opposes the application. It is submitted that the prosecutrix was a minor who has been raped by this applicant, therefore, it is a serious offence for which the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and then by putting her under threat he has committed the offence of rape with her.
6. After considering all the facts and circumstances and particularly, this fact that the prosecutrix has been examined before the trial Court and she has been declared hostile for not supporting the case, hence, for these reasons, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on 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