

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2426 of 2021

- Suman Kumar Yadav S/o Shrawan Kumar Yadav, aged about 30 years, resident of Village Nandauri, Post-Janjgir, Police Station Bhilai-3, Tahsil Patan, District Durg (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kmhari District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/06/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 48/2021 registered at Police Station – Kumhari District Durg (C.G.) for the offence punishable under Sections 363, 365, 366, 376 (2)(n) and 342 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children From Sexual Offences Act.
2. It is submitted that the applicant has been falsely implicated in this case. The prosecutrix had earlier filed a complaint against this applicant on 15/04/2019 and the same was withdrawn on 09/09/2019. Subsequently, she has again filed a complaint against the applicant on 17/10/2020 which is totally false and baseless. The applicant is in jail

since 22/02/2021, 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 submits that there is clear statement of the prosecutrix against the applicant alleging the commission of rape by him with the prosecutrix on numerous occasions, therefore, the applicant is not entitled to get bail.
4. Notice issued to the prosecutrix/complainant has served, but there is no representation on her behalf.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, the prosecutrix has made a complaint on 17/10/2020 alleging therein that in the year 2013 when she used to visit this applicant to learn computer operation, this applicant, on the pretext of marriage, forcibly made physical relationship with her. The prosecutrix was minor at that time. It is also alleged that the applicant has exploited her on numerous occasions by putting her under threat. On the date of lodging the FIR, the prosecutrix was about 19 years of age.
7. Considered on the submissions and facts of the case. The time duration of the incident has a span of about 7 years which requires sufficient explanation from the complainant/prosecutrix side as to why the FIR has been delayed. Taking into consideration this fact and the present scenario, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

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