

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5321 of 2021

- Ramu Yadav, S/o Late Bramhadev Yadav, Aged About 42 Years R/o Ward No. 2, Jyoti Nagar, Dipka, P.S.- Dipka, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- P.S.- Pasan, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.P.S. Bhatia, Advocate.
For State/respondent	: Mrs. Smriti Shrivastava, PL.
For Complainant	: Mr. Aditya Khare, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/08/2021

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.46/2021 registered at Police-Station-Out-post Korbi, P.S.-Pasan, District-Korba, Chhattisgarh for the offence punishable under Sections 377, 354 and 511 of IPC and Sections 8 of POCSO Act, 2012 and Section 3(2)(V) & 3(2)(XI) of SC/ST(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. He is in jail since 10.05.2021. The victim and the prosecutrix both have been examined in the trial and they have not supported the prosecution case, therefore, there is no case present against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the diary statement of victims are clearly against this applicant, therefore, the application be rejected.
4. Mr. Aditya Khare, Advocate submits that the complainant has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident this applicant attempt to commit sodomise with the minor victim aged about 13 years and then he also outraged the modesty of the minor victim aged about 12 years, who is the sister of the first victim. Hence, this case.
7. Considered on the submissions. Perused the certified copy of the deposition of both the victims and it is found that they are hostile witnesses as they have not supported the prosecution case in any manner, for this reason, 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

Nisha