

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6796 of 2020

- Hemant Kumar Yadav, S/o Ramkumar Yadav, Aged About 32 Years R/o Village Nawapara, Tehsil Kunkuri, Jashpur, District Jashpur Chhattisgarh. At Present R/o Village Godhanpur, Police Station Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Incharge Mahila Thana, Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. Anshul Tiwari, Advocate

For Respondent : Ms. Sunita Jain, G.A.

For Objector : Ms. Sangeeta Soni, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.01.2021

1. The applicant has preferred the First Bail application u/s 439 of Cr.P.C. for grant of bail as he is arrested on 31.08.2020 in connection with Crime No. 30/2020 registered at Police Station Mahila Thana, Ambikapur, District Surguja (C.G.) for offence punishable under sections 376 (2) (ब), 506 of IPC.
2. As per the prosecution case in between 02.12.2018 to 22.06.2020 many a times the applicant on the pretext that he will make some obscene photographs viral, committed sexual inter course with the prosecutrix, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix is a lady of 28 years, married and she herself was in the company of the applicant without any objection. He further submits that when when the matter was known to the public report was made,

therefore, no offence has been made out and the applicant may be enlarged on bail.

4. Per contra, learned State counsel and counsel for objector vehemently opposes the prayer for grant of bail
5. Perused the case dairy and the statement of prosecutrix. Considering the period for which the allegations have been attributed and the nature of evidence and the whatsapp conversation without any further observation, I am inclined to grant bail.
6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti