

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4874 of 2018**

Dhanesh Yadav, S/o. Jagtu Yadav, Aged About 22 Years, R/o. Jevra, Thana Khamhariya, Distt. Bemetara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station -Dadhi, Distt. Bemetara Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.78/2017, registered at Police Station- Dadhi, District – Bemetara (C.G.) for the offence punishable under Section 363, 366(A) 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 03.04.2018. No case is made out against him as per the statement given by the prosecutrix under Section 164 of Cr.P.C. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that on the date of incident he abducted the minor prosecutrix and by taking her to a place Barabanki, he kept her in confinement and then he committed the offence of rape. Hence, this case.
6. Considered the submissions made and the contents of the case diary and also perused the copy of the statement given by the prosecutrix under Section 164 of Cr.P.C. in which she has not made any statement against the applicant, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge