

(2018) 06 CHH CK 0191

**Chhattisgarh High Court****Case No:** Miscellaneous Criminal Case (MCRC) No. 3186 Of 2018

Budhram Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** June 27, 2018**Acts Referred:**

- Indian Penal Code, 1860 - Section 376, 511
- Code Of Criminal Procedure, 1973 - Section 439

**Hon'ble Judges:** Goutam Bhaduri, J**Bench:** Single Bench**Advocate:** Rajeev Kumar Dubey, Wasim Miyan**Final Decision:** Allowed

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**Judgement**

Goutam Bhaduri, J

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 on 04.10.2017 in connection with Crime No.764/2017 registered at Police Station Civil Line, Bilaspur (CG) for the offence punishable under

Sections 376 & 511 IPC.

2. As per the prosecution case, on 04.10.2017 the applicant tried to commit rape with her daughter-in-law, thereafter, the report was made.

3. Learned counsel for the applicant submits that the applicant is aged about 75 years and the prosecutrix has been examined and no evidence is

necessary. He further submits that the applicant is in jail since 04.10.2017, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Considering entire facts & circumstances of this case and also taking into that the applicant is shown to be aged about 75 years and the prosecutrix has already been examined and there is no chances of tampering of evidence and further considering that the applicant is in jail since 04.10.2017 and is aged about 75 years, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.