

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3614 of 2015

Gore Lal Yadav, S/o Arjun Ram Yadav, aged about 34 years, R/o Sarola,
Thana Kusmunda, Civil & Revenue District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Thana
Aa.Ja.Ka. Korba, District Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Sanjay Patel, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.11/2014 {Special ST No.4/2015 pending in the Court of Special Judge (Atrocities), Korba}, registered at Police Station Aa.Ja.Ka. Korba, Distt. Korba, for the offence punishable under Sections 450, 376 of the IPC and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn with liberty to revive after material prosecution witnesses are examined, by order dated 19-2-2015 passed by this Court in M.Cr.C.No.753/2015.
3. Case of the prosecution, in brief, is that on 1-10-2014, the applicant committed forceful sexual intercourse with the prosecutrix.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in

question. Major prosecutrix and her husband along with four other witnesses have been examined and they have not supported the case of the prosecution. The applicant is in jail since 7-10-2014. Trial is in advanced stage.

5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, statement of the prosecution witnesses and the fact that the applicant is in jail since 7-10-2014, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge