

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3974 OF 2015**

Ravipal Yadav S/o Shri Tulsiram, aged about 23 years, R/o Gharipkhana,
P.S. Katghora, Civil & Revenue Distt. Korba (C.G.)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station Ajak,
Distt. Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Avinash Singh, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 03/2015, registered at Police Station Ajak, Distt. Korba (C.G.), for the offence punishable under Sections 363, 366, 376, 120-B of I.P.C. and Section 3(1-10) SC/ST Act, and Section 4 of the POCSO Act.

2. Case of the prosecution, in brief, is that on 18/04/2015 applicant abducted minor prosecutrix and committed sexual intercourse with her and co-accused Rakhi Yadav committed sexual intercourse with her and thereby committed offence.

3. Learned counsel for the applicant would submit that neither applicant committed rape nor allegation of rape against him and it is against co-accused Rakhi Yadav. He would further submit that charge sheet has been

filed and applicant is in jail since 22/05/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that applicant has provided motorcycle to co-accused Rakhi Yadav to kidnap the minor prosecutrix.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; charge sheet has been filed; pretrial detention of the applicant and allegation of rape against co-accused Rakhi Yadav, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE