

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4749 of 2015**

Ashok Yadav, S/o Shri Ram Padhar Yadav, aged 25 years, Caste Ahir, Resident of Village Gaibuda, Police Chowki Pandrapath Police Station Bagicha, District Jashpur (CG)

---Applicant**Versus**

State of Chhattisgarh Through Police Chowki Pandrapath, under Station House Officer, Police Station Bagicha, Distt.Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. Sushil Dubey, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/09/2015**

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.146/2015, registered at Police Station-Bagicha, District-Jashpur (C.G.), for the offence punishable under Sections 376 and 450 of the IPC.

2. Case of the prosecution, in brief, is that on 16.7.2015 the applicant entered into the house of the prosecutrix and committed forceful sexual intercourse with her and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the prosecutrix was major and since the applicant has given statement against the husband of the prosecutrix namely Bhuneshwar Yadav, who is an accused in Crime No.147 of 2015 registered at Police Station Bagicha for an offence punishable under Sections 294, 323 and 325 of the IPC, therefore, false F.I.R. has been registered against him, which is

apparent from the counter-case. He would also submit that the applicant is in jail since 17.7.2015 and charge-sheet is yet to be filed and therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State would affirm that Crime No.147 of 2015 has been registered against the husband of the prosecutrix for the aforesaid offence.

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; role of the present applicant; registration of counter-case; medial evidence and pre-trial detention of the applicant, 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 the Cr.P.C. is allowed.

8. It is directed that applicant shall 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-