

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3988 of 2015**

Tushar Yadav, son of Jeevanram Yadav, aged about 19 years, Occupation Student, resident of Gopi Chowk Mangla, Police Station Civil Lines Bilaspur, Civil and Revenue District Bilaspur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through Station House Officer, Police Station Civil Lines Bilaspur, District Bilaspur (C.G.)

---- Non-applicant

For Applicant: Mr. Sachin Tamrakar, Advocate.
For Respondent/State: Mr. Vivek Singhal, Panel Lawyer

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

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 253/2015 registered at Police Station Civil Lines, District Bilaspur, Chhattisgarh for the offences punishable under Sections 493 & 376 of Indian Penal Code and Section 3(1)(x) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is applicant is said to have committed sexual intercourse with the prosecutrix on the pretext of marriage and thereby committed the aforesaid

offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and consenting party to act of the applicant; and she has love affair with the applicant. He further submits that applicant is in jail since 02.06.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, in which, she has not supported the case of the prosecution; and the facts that applicant is in jail since 02.06.2015; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the 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 to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

