

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 421 of 2016**

- Rajesh Yadav, S/o – Nanhiram Yadav, age-21 years, Caste- Raut, R/o- Village-Gohadidipa, Kodatarai, Raigarh, P.S. - Jute Mill, Tah. - Pussore, Distt. Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Chowki- Jute Mill, P.S.- Kotwali, Distt. - Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. Amit Sharma, Advocate.
For Non-applicant/State: Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/02/2016**

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.10/2016 registered at Police Station Chowki-Jute Mill, P.S. Kotwali, Distt. Raigarh for the offences punishable under Sections 366,363 & 376/34 of the Indian Penal Code & Sections 4 & 6 of the POSCO Act.

(2) Case of the prosecution in brief is that on 1.1.2016 applicant and one other co-accused Chandan Yadav kidnapped the minor prosecutrix and co-accused Chandan Yadav committed rape upon her and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence and it is co-accused Chandan Yadav, who has committed rape with the prosecutrix. He further submits that applicant is languishing in jail since 5.01.2016 and, therefore, he may be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case and looking to the nature and gravity of the offence; further considering the role of the present applicant in the crime in question and the facts that the applicant is in jail since 05.01.2016 and the main allegation of rape is against co-accused Chandan Yadav; 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.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

