

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 519 of 2016**

- Sarvesh Yadav, S/o Shri Kashinath Singh Yadav, Aged about 27 years, R/o Village Rajapur, Post Bhitari, P.S. Sairpur, Distt:- Gazipur (U.P.)

---- Applicant**Versus**

- The State Of Chhattisgarh Through P.S.- Pulgaon, District Durg (C.G.)

---- Non-applicant

For Applicant: Mr. P.R. Patankar, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/02/2016**

(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. 349/2013 registered at Police Station Pulgaon, District Durg (C.G.) for the offences punishable under Sections 450, 376(G), 506 & 342/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant wrongfully confined the major prosecutrix in the last week of February, 2013 and committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in

the offence in question; prosecutrix has not even indicated the date of offence; FIR is delayed by four months and there is no medical evidence against the applicant. He further submits that when the applicant has entered into marriage with the girl of his own choice, the prosecutrix deliberately lodged the report against the applicant, pursuant to which, above offences have been got registered against the applicant, in which he is in jail since 19.11.2015 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 extent of delay in lodging the FIR; and the facts that applicant is in jail since 19.11.2015; 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 – **Sarvesh Yadav** 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/-

