

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6138 of 2016

- Rinku Yadav S/O Gopal Ram Yadav, Aged About 21 Years R/O Village Badra Bedapara P. S. Kondagaon Civil And Revenue District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kondagaon District Kondagaon Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Tulsiyan, Advocate

For Respondent/State : Mr. Neeraj Kumar Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-10-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 4-7-2016 in connection with Crime No. 154 of 2016, registered at Police Station Kondagaon, District Kondagaon (CG) for the offence punishable under Sections 363, 366, 354 & 506 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 20-6-2016 the victim was scolded by her father and when she was sitting outside her house, at that time the applicant came there and forcibly took her into forest and kept her entire night in the forest and during such time he tried to outrage her modesty. When she raised alarm, someone saw them and the applicant fled away and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the applicant and the prosecutrix were in love relation and the prosecutrix of her own went along with the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 4-7-03-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix wherein general allegations have been attributed to the applicant..
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the prosecutrix and also the fact that charge-sheet has been filed and the applicant is in jail since 4-7-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju