

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6073 of 2017

- Sooraj Lal Yadav S/o Shri Janakdhari Yadav, Aged About 21 Years R/o Village Banji, Badhpara, Police Station Jhagrakhand, District Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jhagrakhand, District Koriya Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sunil Otwani, Advocate.
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/11/2017

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 in connection with Crime No. 70/2017, registered at Police Station- Jhagrakhand, District – Koriya (C.G.) for the offence punishable under Sections 306, 376(2) & 201 of Indian Penal Code (for short 'IPC'), Section 4 and 6 of POCSO Act, 2012 and Section 3(2) (5) of the Prevention of Atrocities to Scheduled Tribe and Scheduled Caste.
2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case and he is in jail since 21.05.2017; applicant and the deceased Sarita had affair since 2 years before the date of incident. Marriage of applicant was negotiated elsewhere and fixed, on account of which the victim/deceased has

committed suicide out of depression. False FIR has been lodged against the applicant which has been investigated and charge-sheet has been filed. On the basis of material in the case of prosecution, no case is made out against the applicant, therefore, he may be released on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that memorandum statement of the applicant discloses the whole story how the applicant exploited the deceased and had physical relationship with her. The deceased was a minor on the date of incident, hence, for these reason, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per the case against the applicant, deceased Ku. Sarita was aged 17 years on the date of incident and she had an affair with the applicant, applicant on the pretext and promise of marrying her had on numerous occasions made physical relationship with her but subsequently marriage of applicant was fixed somewhere else which has resulted in the suicidal death of the deceased.
6. Considering the submissions and the contents of the case diary, looking to this fact that it would not serve any purpose if the applicant is kept in jail for the entire period of trial and also looking to this fact that he is the local resident of the locality whose availability before the trial Court shall not be compromised if he is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Rajendra Chandra Singh Samant)
Judge