

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4764 of 2017**

Babulal Yadu S/o Thanuram Yadu, Aged About 21 Years R/o Village Bijabhat,  
Police Station & District Bemetara, Chhattisgarh.

**----Applicant**

**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station  
Dadhi, District Bemetara, Chhattisgarh.

**---- Respondent**

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Ms. Sharmila Singhai, counsel for the applicant/s.  
Shri Chandresh Shrivastava, Panel Lawyer for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**24/07/2017**

This is third bail application.

The applicant has been arrested in connection with Crime No.78/2016 registered in Police Station – Dadhi, District - Bemetara (CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 22/05/2016 and the third bail application has been moved in view of the liberty granted by this Court that in case, trial is not completed within a period of three months, the applicant would be at liberty to revive his prayer for grant of bail. Referring to the order sheets placed on record, it is submitted that the trial has not been concluded and there are eight witnesses remained to be examined. He submits that the most important prosecution witness, the prosecutrix, has already been examined. Therefore, in these circumstances, the applicant may be granted bail.

3. On the other hand, learned State counsel opposes bail application and

submits that as the applicant is being tried for commission of offence of a heinous crime, at this stage, only on the ground of delay, the applicant may not be granted bail, though on earlier occasion, this Court granted liberty that in case, trial is not concluded in three months, he would be at liberty to revive his application.

4. After going through the order sheets, I find that for the reasons not attributable to the applicant, the trial has not been concluded and the applicant has remained in jail since 22/05/2016. Having considered that the prosecutrix has already been examined by the Trial Court and the other submission relating to age of the prosecutrix and that she was a consenting party and also considering that the applicant is not likely to abscond or tamper with the prosecution witnesses, at this stage, I am convinced to grant bail to the applicant.

5. Accordingly, this application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-  
**(Manindra Mohan Shrivastava)**  
**Judge**