

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 198 of 2018**

Jitendra Yadav S/o Ramsingh Yadav, Aged About 20 Years, R/o Village Chhatwan, Thana Rajadewari, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Rajadewari, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Samir Singh, Advocate
For the Non-applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01/03/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 33/2017 registered at Police Station Rajadewari, District Balodabazar (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief is that date of birth of the prosecutrix is 02/10/2001. She is resident of Village Chhatwan. She was in love relation with the applicant. They were agree to perform the marriage. On 03/07/2017 by 01.00 a.m. prosecutrix left her house and went to village town thereafter they went to Village Baya by motorcycle of the

applicant. In Village Baya the friends of the applicant were present along with the Scorpio vehicle. Thereafter they went to the forest. In the forest in a house present applicant has committed forcibly sexual intercourse with the prosecutrix.

4. Learned counsel for the applicant argued that charge-sheet has been filed and applicant is in jail since 12/07/2017, thus he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, looking to the fact that the applicant is in jail since 12/07/2017, charge-sheet has been filed, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.10,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge