

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.204 of 2018

Raju Yadav, aged about 22 years, S/o Mahettar Yadav, by Caste Yadav, By Occupation Labour, R/o Bhadripali, Tahsil and Thana Sakti, Distt. Janjgir-Champa (C.G.)

---- Applicant
(In Jail)

Versus

The State of Chhattisgarh, through District Magistrate, Distt. Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant:	Mr. Parag Kotecha, Advocate.
For Non-applicant:	Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/03/2018

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.59/2016, registered at Police Station Baradwara, Distt. Janjgir-Champa, for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant abducted the prosecutrix on 2-2-2016 and committed sexual intercourse with her continuously from 2-2-2016 to 26-4-2017 and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. Statements of the prosecutrix and other two witnesses have been recorded in which they have not supported the case of the prosecution. The applicant is in custody from 27-4-2017.
4. On the other hand, learned State counsel opposes the application and submits that the prosecutrix is minor on the date of offence.
5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant and material available on record, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge