

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1932 of 2018

Ram Swaroop @ Babua Yadav, S/o. Manbodh Yadav, Aged About 28 Years, R/o- Bansi Matiyari, Anwra, 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. D.N. Prajapati,

For Respondent : Mr. Rajendra Tripathi, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

16/03/2018

1. This is the second 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. 78/2017 registered at Police Station- Jhagrakhand, District Koriya (C.G.) for the offence punishable under Sections 376, 450 of the IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections (3)(1)(N), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per prosecution case, on 02.06.2017 the prosecutrix was alone in her house at that time the applicant entered into her house and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the prosecutrix and her mother have been examined by the trial Court and both have not supported the version of the prosecution. He further submits that

there is no previous antecedents against the applicant and he is in jail since 04.06.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the trial is still on.
5. Considering the fact that the prosecutrix and her mother have not supported the version of the prosecution and further taking into consideration the fact that the appellant is in jail since 04.06.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-
(Ram Prasanna Sharma)
Judge

Santosh