

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4998 of 2018

- Punitram Yadav S/o Latkhore Yadav Aged About 20 Years By Caste Raut R/o Village Fundardhap, Thana Keregaon, Distt. Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Police Station Narharpur, District Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent -

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

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

07/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.111/2017 registered at Police Station– Narharpur District– Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code; Sections 4 & 6 of the Prevention of Children from Sexual Offences Act, 2012 and Section 3(1)(a), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out

against him. Prosecutrix had willingly accompanied the applicant and submitted herself physically. The trial against the applicant is still pending. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that age of prosecutrix was between 15 to 16 years at the time of incident, hence, her consent is immaterial.
4. Heard both the parties and perused the case diary.
5. It is alleged that applicant and prosecutrix were acquainted with each other one year prior to the date of incident and on some occasions the applicant had forced her to submit her physically. On 24.9.2017 the prosecutrix went missing. A missing report was lodged and ultimately she was recovered on 26.9.2017 from the custody of this applicant. The prosecutrix has given statement against him. Hence, this case.
6. Considered on the material present in the case diary and as submitted by counsel for applicant that out of 21 witnesses, till date about 14 witnesses have been examined in the trial, therefore, looking to the possibilities of conclusion of trial in near future and also looking to the evidence available against the applicant in this case, I am not inclined to release him on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected. However, the trial Court is directed to expedite the trial against the applicant and conclude the same as early as possible, preferably within a period of three months from the date of production of certified copy of this order.

Sd/-

(Rajendra Chandra Singh Samant)
Judge