

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5854 of 2018**

Ritu Yadav S/o Kiran Ram Yadav Aged About 24 Years Caste-
Gayar, R/o- Village- Barkaspali, Police Station- Tapkara, District-
Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Incharge, Outpost- Dokda,
Police Station- Kansabel, District- Jashpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri J.K Saxena, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/08/2018**

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. 65/2018 registered at Outpost Dokda, Police Station Kansabel, District Jashpur (C.G.) for the offence punishable under Sections 363, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 23/05/2018 prosecutrix was more than 16 years old. She is resident of village Dhodhibahar. On the call of the applicant prosecutrix went Garaibanj forest where applicant committed sexual intercourse with her on pretext of the marriage. Thereafter applicant taken away her in different places.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent, 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. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde