

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6835 of 2018**

Laxman Yadav @ Karma, S/o Banshi Lal Yadav, aged about 31 years, residing at Village Gadapal (Routpara) P.S. Dantewada, District South Bastar Dantewada (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Dantewada, District South Bastar Dantewada (CG).

---- Non-applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.52/2018 registered at Police Station Dantewada, District Dantewada for the offence punishable under Section 376 of IPC and Sections 3(2)(v-A) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that on 08.05.2018 the prosecutrix was aged about 24 years. She is resident of village Gadapal. On 08.05.2018 the prosecutrix with her friend Jogi Markam and her brother- in-law Budhram Podiyam had gone to enjoy fair. At that time, the applicant took away the prosecutrix by pulling towards field and, thereafter, under the tree applicant committed sexual intercourse with

her.

4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, he further submits that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per photocopy of the statement of prosecutrix recorded under Section 164 of CrPC at about 3:00 am, her family members reached on the spot. At that time applicant was present there and after looking them, he ran away from the spot.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. 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 Trial 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 co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-