

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7052 of 2018**

Dumesh Yadav, S/o late Shri Kheduram Yadav, aged about 20 years,
R/o Village Jarvay Police Station Kabir Nagar, District Raipur, Civil and
Revenue District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Kabir Nagar, District Raipur
(CG).

---- Non-applicant

For Applicant : Mr. Ajay Mishra, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.10.2018**

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 counsel for the State in connection with Crime No.151/2018 registered at Police Station Kabir Nagar, District Raipur for the offence punishable under Sections 366, 376 of IPC and Sections 4 & 6 of POCSO, Act.
3. Case of the prosecution, in brief is that on 18.07.2018 the prosecutrix was more than 16 years. She is a resident of village Jarvay. There was a love affairs between the applicant and the prosecutrix. With the consent of the prosecutrix, he committed sexual intercourse with her so many times as a result she became pregnant. Subsequently, he performed marriage 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 submits that no criminal antecedents is reported against the applicant in the police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; offence is triable by any Magistrate 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.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-