

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7263 of 2018**

- Ashok Yadav S/o Ghasi Aged About 19 Years Caste- Ahir, R/o Dakai, Police Station And Tahsil- Lundra, District- Surguja, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station- Arakshi Kendra, Bagicha, District- Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.C. Verma, Advocate
For Respondent/State	:	Shri Aditya Sharma, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/10/2018**

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 on 28.02.2018 in connection with Crime No.32/2018 registered at Police Station Bagicha, District Jashpur (CG) for the offence punishable under Sections 341, 365, 376, 147 IPC and Section 25 of the Arms Act.
2. The first bail application bearing M.Cr.C. No.2523 of 2018 was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix.
3. As per the prosecution case, the prosecutrix was kidnapped in the month of February, 2018 and thereafter was subjected to forceful sexual intercourse by

the accused and the other persons including the present applicant as he also assisted to commit rape. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that now the prosecutrix has been examined on 05.09.2018 and her statement would show that the name of the present applicant has not been inculpated to have done anything with her. He went through the statement of the prosecutrix and submits that under the circumstances the applicant may be released on bail.
5. State counsel do not dispute the fact that the prosecutrix has not disclosed the name of the present applicant.
6. After perusal of the statement of the prosecutrix, it appears that the applicant was not named. Prima facie, after considering the statement and the nature of allegation against the present applicant, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. It is made clear that this Court has not given any finding on the merits of the case and it would be for the trial Court to adjudicate the same after evaluating the other evidence which is existing in the case, which may also inculpate the present applicant too.

Sd/-

Goutam Bhaduri
Judge