

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.7260 of 2018**

- Jaiprakash Yadav S/o Yugal Kishore Yadav Aged About 26 Years R/o Baikunthpur, Yadav Gali, Ward No. 2, Police Station- Kotwali, Raigarh, District- Raigarh, Chhattisgarh. Presently R/o Aresmeta, H.No. B-45, New Boko Colony, Gopal Nagar, Cement Plant, Police Station- Mulmula, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana In-Charge- Punjipathra, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rajendra Tripathi, Advocate
For respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****23.10.2018**

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 05.01.2018 in connection with Crime No.02/2018 (Special Case No.15/2018), registered at Police Station Punjipathra, Distt. Raigarh (CG) for the offence punishable under Section 376 of the Indian Penal Code 1860, Section 4 of Protection of Children from Sexual Offences Act, 2012 and under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The applicant has been charge sheeted on the ground that he committed rape with minor prosecutrix who is the member of the Scheduled Tribe.

3. Learned counsel for the applicant submits that prosecutrix and other witnesses have been examined before the trial Court and they have not supported the version of the prosecution, therefore the applicant is entitled for bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Looking to the statement of the prosecutrix and her mother recorded before the trial Court, it appears that they have not supported the versions of the prosecution. Hence, this Court is of the view that it is a fit case to enlarge bail to the applicant.

7. Accordingly, application filed under Section 439 of the CrPC is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

JUDGE