

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8345 of 2018**

Kanhu Yadav, S/o Shri Jugal Yadav, aged about 19 years, By Caste Mahakul, R/o Village Heerapur, Thana & Tahsil Patthalgaon, Civil & Revenue District Jashpur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Patthalgaon, Civil & Revenue District Jashpur (CG).
---- Non-applicant

For Applicant	: Mr. Sumit Shrivastava, Advocate.
For Non-applicant	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.11.2018

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.194/2018 registered at Police Station Patthalgaon, District Jashpur for the offence punishable under Sections 376, 506 of IPC and Sections 4, 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 01.08.2018 the age of the prosecutrix was more than 16 years. She is a resident of village Heerapur. On 01.08.2018 when she was alone in her house, the applicant reached there and committed forcibly sexual intercourse with her after given threatening to kill her. On 16.08.2018 he again came in her house and tried to commit sexual intercourse with her. He had beaten her. When her father came there, he ran away from there. She did not narrate earlier incident to anyone because she was in fear.
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 reported against the applicant in police case diary.

6. 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; 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. Consequently, the bail application is allowed.

7. 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-