

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 377 of 2018**

Vedprakash Yadav, S/o. Ashok Kumar Yadav, Aged About 19 Years, R/o. Indira Nagar Dundera, P.S. Utai, Durg Tehsil and District- Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : S.H.O. Police Station -Utai, District - Durg Chhattisgarh (As Per Charge Sheet)

---- Respondent

For Applicant : Mr. Sanjay Kumar Agrawal, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/03/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.15/2017, registered at Police Station – Utai, District – Durg (C.G.), for the offence punishable under Section 376 of the Indian Penal Code and Section 5 (२), 6 of POCSO Act. The first bail application was dismissed as withdrawn vide order dated 09.11.2017 in M.Cr.C. No.5255/2017.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 18.01.2017. Prosecutrix and her father have been examined before the trial Court and both of them have given statement

contradicting each other. It is further submitted that still the trial has not been completed and it is likely to take some more time for its conclusion, hence, looking to the length of detention of the applicant in jail, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has supported the case of the prosecution in the trial against this applicant, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix both had love affair and used to meet each other. On 04.01.2017, this applicant by alluring the prosecutrix with promise to marry her had forceful sexual relationship with her. Thereafter, this applicant refused to marry the prosecutrix, who was a minor on the date of incident, due to which, prosecutrix informed her parents and the FIR was lodged on 18.01.2017. Hence this case.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the statement of prosecutrix and her father before the concerned trial Court. Considering on the material present in the case diary further considering the fact that applicant is in jail since more than one year and still the trial has not been completed, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram