

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1551 of 2018**

Vikas Kumar Yadav S/o Pitambar Yadav Aged About 26 Years  
Caste Ahir R/o Village Nagar Panchayat Bageecha ,ward No.  
10,Rauni Road Bageecha ,Civil And Revenue District Jashpur  
Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer Bageecha  
District Jashpur Chhattisgarh.

**---- Respondent**

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For applicant – Shri K.N. Nande, Advocate.  
For Respondent/State –Shri Aditya Sharma, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**4/12/2018**

1. This is second bail application under section 438 of Cr.P.C. The earlier bail application was rejected on 8/02/2018 vide M.Cr.C.(A) No.798 of 2017.
2. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 118/2017 registered at Police Station Bageecha for offence punishable under Section 376 IPC & Section 4 of POCSO Act.
3. As per the prosecution case a report was made on 12/07/2017 by father of the victim that she is missing. While she was being searched subsequently it revealed that the applicant has committed forcefull sexual intercourse with the victim who was minor.
4. Learned counsel for the applicant submits that the applicant and father of the victim they are related and some civil suit is going on in between the parties. He further submits that earlier State counsel was directed to enquire into two telephone numbers as there was certain calls

were made of the alleged incident, however no investigation was made.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of prosecutrix who is minor as also medical report which was of 12/07/2017 which is positive. Report shows that forceful sexual intercourse was committed. Reading the medical report and statement of the prosecutrix as also statement recorded before the CWC, I am not inclined to reconsider this second anticipatory bail application.

7. Accordingly, the second anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE