

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 322 of 2019**

Nagendra Yadav S/o Late Shri Lalji Yadav Aged About 21 Years R/o Village Karenua, Thana Kangharapur, District Azamgarh U. P. Present Address Quail Operator Easterland Engineering Company Siltara, Labor Room, Thana Dharsiwa, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Dharsiwa, Civil And Revenue, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sumit Shrivastava, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer
For Informant	:	Shri Rohitatsava Singh, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/03/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.219/2018 registered at Police Station Dharsiwa, District Raipur (C.G.) for the offence punishable under Sections 376, 506 of IPC and Section 4,6 of POCSO Act.
3. Case of the prosecution, in brief is that in the month of May 2018 prosecutrix was below 15 years of age. She is resident of Birgaon. In the month of May 2018 onwards applicant threats to kill her and her parents and committed forcible sexual intercourse with her. As per the certified copy of the statement of the prosecutrix recorded by the trial Court on 24/11/2018 she turned hostile and stated that applicant had not committed any incident with her.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

6. Counsel for the informant submitted that prosecutrix has no objection on releasing applicant on bail.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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 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 cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde