

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 672 of 2019**

- Surendra Yadav S/o Shriram Yadav Aged About 20 Years R/o Village Kachandur, Out Post Jevra-Shirsha, P. S. Pulgaon, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pulgaon, District Durg Chhattisgarh

----Non Applicant

For the Applicant : Shri P.Chetan Kumar , Advocate

For Non Applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.04.2019**

1. Allegedly Surendra Yadav father of the prosecutrix- informant is present before this Court. After putting some questions this Court is satisfied that person who is present in the Court is Surendra Yadav, authorized person by informant- prosecutrix.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.39/2018 registered at Police Station- Pulgaon, District- Durg (C.G.) for the offence punishable under Sections 376, 506 of Indian Penal Code and Sections 3 & 4 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that on 30.01.2018 prosecutrix was below 15 years of age. On 30.01.2018 applicant took her near the pond and committed forcible sexual intercourse with her.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
7. Authorized person Surendra Yadav who is the father of the prosecutrix submitted that applicant may not release on bail.
8. As per the true copy of the statement of the prosecutrix recorded by trial Court which is part of the bail application, prosecutrix turned total hostile and not supported the prosecution case she had stated that she does not know the applicant, she had gone to lodge the report in Police Station regarding quarrel.
9. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the bail application is allowed, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
10. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**
Judge

Parul