

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 772 of 2019**

- Rajesh Yadav S/o Duryodhan Yadav Aged About 21 Years R/o Village Saraitola, P. S. Bagbahar, District Jashpur Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

.....Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kapu, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

.....Non Applicant

For the Applicant	:	Shri Ishan Verma on behalf of Shri Ashutosh Mishra, Advocate
For Non Applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.02.2019**

1. 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.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.108/2018 registered at Police Station- Kapu, District- Raigarh (C.G.) for the offence punishable under Section 376 & 506 of Indian Penal Code, and 4 of Prevention of Children from Sexual Offences Act, &3(1)B, 3(2)(V) of ST/SC(Atrocities) Act.
3. Case of the prosecution, in brief is that on 27/09/2018 prosecutrix was more than 17 years of age. She is resident of village Balakpodi. She is a member of Scheduled Caste. On 27/09/2018 applicant committed forcible sexual intercourse with her in the barn. After the commission of sexual intercourse he had told that he will marry her, he had also given her threats to kill, she told to him to perform the marriage but he refused to marry her.
4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. 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 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 with the condition that he will 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul