

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1279 of 2019**

Ramprasad Yadav S/o Jhagar Yadav Aged About 57 Years R/o Village Bedhi ,police Station Rajpur ,district Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Rajpur District Barampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Yadav, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/04/2019**

1. After putting some questions this Court satisfied that the person who is present in the Court is the Bigan, informant-father of the prosecutrix.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.201/2018 registered at Police Station Rajpur, District Balrampur-Ramanujanj (C.G.) for the offence punishable under Section 376 of IPC & Section 3 & 4 of the POCSO Act and Section 3(2)(V) of SC & ST Act.
4. Case of the prosecution, in brief is that on 12/10/2018 prosecutrix was below 16 years of age. She is resident of village Bairhi. She is member of Scheduled Tribe. On 12/10/2018 at about 4 p.m. applicant committed forcible sexual intercourse with her.
5. As per the certified copy of statement of the prosecutrix and her father Bigan recorded by the trial Court they turned hostile and not supported the prosecution case. Prosecutrix had stated that her father had purchased two bull from the applicant, some amount was due for payment to applicant, thus he had abused him except it he had not done anything with her.

6. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
8. 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, 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde