

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1561 of 2019**

Raja Yadav, S/o Jagnu Yadav, aged about 20 years, R/o Village Godhi,  
Police Station Nandini, District Durg (CG). **---- Applicant**

**Versus**

State of Chhattisgarh, through Police Station Nandini Nagar, District Durg  
(CG). **---- Non-applicant**

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| For Applicant     | : Mr. T.K. Jha, Advocate.   |
| For Non-applicant | : Ms. M. Asha, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****15.03.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.206/2018 registered at Police Station Nandini Nagar, District Durg for the offence punishable under Sections 363, 366, 376 of IPC, Sections 5 & 6 of Protection of Children from Sexual Offences Act and Section 3(2)(V-A) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 05.08.2018 the prosecutrix was more than 16 years of age. She is a resident of village Lahenga. She is a member of Scheduled Caste. There was love affair between her and the applicant. On 05.08.2018, he took her by enticing on the pretext of marriage and committed sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent of the applicant is reported in police case diary.
6. As per true copy of statement of prosecutrix recorded by the trial Court on 14.02.2019, which is a part of the bail application she turned hostile totally and stated that nothing was happened with her by the applicant.
7. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. Certified copy as per rules.

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