

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1799 of 2019**

- Mannu Yadav S/o Bhulau Ram Yadav Aged About 40 Years R/o Village Mud Ghusari, Police Station Bodla, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bodla, District Kabirdham Chhattisgarh

---- Non Applicant

For the Applicant : Shri Dharmesh Shrivastava, Advocate

For Non Applicant : Ms. S. Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.05.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn on 13.02.2019 by this Court in MCRC No.635 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.254/2018 registered at Police Station- Bodla, District- Kabirdham (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 3(1)(w), 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Prosecution story in brief is that on 23.12.2018 at about 6 pm prosecutrix was going to reply the nature's call, on the field applicant committed forcible sexual intercourse with her. She is a member of Scheduled Tribe.
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. As per an affidavit of prosecutrix which is the part of the bail application she had lodged the report regarding land dispute. Applicant had not committed rape with her, matter has been compromised.
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 applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond of Rs.50,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul