

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1950 of 2019**

1. Jai Kishan Yadav S/o Thakur Prasad Yadav Aged About 18 Years R/o Gram Girsool, P. S. Devbhog, Tehsil And District Gariyaband Chhattisgarh

**---- Applicant****Versus**

1. State Of Chhatisgarh Through P.S. Devbhog, District Gariyaband Chhattisgarh,

**---- Respondent**

For Applicant

Shri Shaleen Singh Baghel, Advocate

For Respondent/State

Shri Gagan Tiwari, Dy. Govt. Adv.

**Order On Board****By****Prashant Kumar Mishra, Ag. CJ****12-4-2019**

1. Heard.
2. The applicant has preferred this bail application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.3/2019 registered in Police Station Devbhog, District Gariyaband, for the offence punishable under Sections 363 & 376 of the Indian Penal Code and under Sections 4 & 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
3. Case diary statement of the prosecutrix, aged about 16 years

1 month, would reveal that because of misbehaviour of her parents she herself moved out of her house to join the company of the applicant and travelled from Devbhog to Abhanpur alone and thereafter applicant and the prosecutrix went to Dongargarh by train and stayed there for one day. Subsequently, they reached to Bilaspur and from there they went to Dhamtari where they stayed for about one day in the house of applicant's maternal grandmother. The prosecutrix would clearly state that during all this period the applicant has never subjected her to forcible sexual intercourse.

4. Learned counsel appearing for the State would oppose the prayer.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and considering the fact that the applicant is in jail since 7-1-2019, this Court is inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-  
(Prashant Kumar Mishra)  
Acting Chief Justice

Gowri