

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1878 of 2019**

1. Heera Lal Yadav, S/o Shri Deenanath Yadav, aged about 18 years.
 2. Ramadhar Yadav, S/o Shri Paras Yadav, aged about 23 years.
- Both are R/o Gram Kesama, Thana Udaipur, District Surguja (CG).

---- Applicants**Versus**

State of Chhattisgarh Through Police Station Udaipur, District Surguja (CG).

---- Non-applicant

For Applicants : Mr. Anurag Dayal Shrivastava, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.04.2019**

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 counsel for the State in connection with Crime No.130/2018 registered at Police Station Udaipur, District Surguja for the offence punishable under Sections 363, 366, 376(2)($\bar{\epsilon}$), 511, 306, 114, 34 of IPC and Sections 4 & 17 of POCSO Act.
3. Case of the prosecution, in brief is that on 22.11.2018 the prosecutrix was more than 16 years of age. She is a resident of village Sayar. She and co-accused Akash Chouhan had liked with each other. On 22.11.2018, the applicants called her to outside and she went outside, where applicants and co-accused Akash Chouhan were present along with motorcycle. Co-accused Akash Chouhan took her by motorcycle and committed repeatedly sexual intercourse with her on the pretext of marriage.
4. Counsel for the applicants submits that the applicants have not committed any offences. They are innocent and have been falsely implicated in the present case, therefore, they 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 is reported against the applicants in police case diary.
6. As per enclosed photocopy of statement of prosecutrix recorded under Section 164 of CrPC she had stated nothing against the applicants.
7. Looking to the above mentioned facts and circumstances of the case, the bail application is allowed. It is directed that if the applicants furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- each to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not involve any such type of crime in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE