

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2062 of 2019

- Kamlesh Yadav S/o Shri Govardhan Yadav Aged About 28 Years Caste Hahir, R/o Khalbahra, Police Station Chandani, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chandani, P.S. Chandani, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Laxmeen Kashyap, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta Order On Board

09.04.2019

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 learned counsel for the State in connection with crime No. 39/2018 registered at Police Station – Chandani, P.S. Chandani, District Surajpur (C.G.) for the offence punishable under Sections 363, 376(D), 366 of the Indian Penal Code and Section 3(2)(5) of the SCST Act.
3. Case of the prosecution, in brief is that prosecutrix is 21 years old and resident of village Khalbahra, between 03.07.2018 and 04.07.2018 applicant took her forcibly, getting her to sit on motorcycle, in the forest. The applicant and coaccused Motilal Pandu and Subhash Chandra committed forcible sexual intercourse with her one by one.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, and submits that two other criminal cases under IPC have been registered against the applicant.
6. As per the certified copy of the statement of the prosecutrix recorded on 08.03.2019 by the trial Court, which is part of the bail petition, she turned hostile and did not support the prosecution case. She had stated that nothing was done with her by the applicant and other coaccused Moti Lal Pandu and Subhash Chandra.
7. Looking to these 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 Trial Court with the condition that he will 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE