

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2250 of 2019

Jageshwar Yadav, S/o. Ashok Yadav, Aged About 25 Years, R/o. Village
Amsena, Police Station Hirri, District Bilaspur, Chhattisgarh

.....Applicant

-Versus -

State Of Chhattisgarh, Through The Station House Officer, Police Station
Hirri, District Bilaspur, Chhattisgarh

.....Respondent

For Applicant : Mr. D.C.Verma, Advocate

For Respondent : Mr. Sumit Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.04.2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.176/2017 registered at Police Station- Hirri, District Bilaspur (C.G.) for the offence punishable under Sections 341, 376 of Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012. The first bail application was dismissed as withdrawn on 18.01.2018 with liberty to repeat the same after examination of the prosecutrix.
2. As per the prosecution case, in January 2017 the prosecutrix when was going alongwith the present applicant, he committed forceful sexual intercourse with her. Subsequently when she became pregnant, the matter was reported. It is stated that the prosecutrix was minor.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn on 18.01.2018 with liberty to repeat the same after examination of the prosecutrix and now the

prosecutrix has been examined and serious contradictions are on record, which would show that the prosecutrix was a consenting party; therefore, the applicant may be enlarged on bail. He referred to para 9 & 18 of the statement.

4. Per contra, learned State counsel opposes the prayer for grant of bail. He submits that on the earlier occasion on 18.01.2018 the bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix and now the prosecution has been examined.
5. Perused the statement of the prosecutrix and the other witnesses. Without any observation on merit considering the fact that the prosecutrix has already been examined and the applicant is in jail since 04.10.2017 and the trial is not concluded till date, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge