

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2608 of 2019

- Yan Singh Yadav S/o Chaitram Yadav Aged About 28 Years R/o Ligdih, Police Station- Piparchhedi, Distict- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Piparchhedi, District- Gariyabad, Chhattisgarh., District : Gariyabandh, Chhattisgarh
---- Non-applicant

For Applicant	: Mr. K.K. Pandey, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.05.2019

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. 3/2018 registered at Police Station – Piparchhedi, District - Gariyaband (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code, Section 3(2)(v) of the SCST Act and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 23.04.2018 prosecutrix was more than 16 years of age. She is resident of village Mudhipani. She is member of Scheduled Tribe. She had knowledge that applicant is already married. On 23.04.2018 applicant took her by enticing on pretext of marriage. He committed repeatedly sexual intercourse with her.
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, however, he submits that there is no antecedent against the applicant.
6. As per the true copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had not stated about the commission of sexual intercourse by applicant.
7. Looking to the 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