

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3170 of 2019**

Omprakash Yadav, S/o Udayram Yadav, aged about 19 years, R/o Village Kamaraga, P.S. and Tahsil Lailunga, District Raigarh (CG). ---- **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Lailunga, District Raigarh (CG). ---- **Non-applicant**

For Applicant	: Mr. Manoj Kumar Jaiswal, Advocate.
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.06.2019

1. This is third 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 counsel for the State in connection with Crime No.248/2018 registered at Police Station Lailunga, District Raigarh for the offence punishable under Sections 363, 366, 376(2)(k) (n) of IPC, Section 6 of Protection of Children from Sexual Offence Act and Section 3(2)(v) of SC/ST (Atrocities) Act.
3. The first bail application of the applicant was dismissed due to non-compliance of this Court order dated 17.01.2019 by the Registry of this Court on 31.01.2019 and second bail application was dismissed as withdrawn by this Court vide order dated 24.04.2019 passed in M.Cr.C. No.2740/2019.
4. Case of the prosecution, in brief is that on 18.10.2018 the prosecutrix was more than 16 years of age. She is a member of Scheduled Tribe, resident of village Gamharadham. She and applicant were acquainted with each other. On 18.10.2018 the applicant took her and committed forcibly sexual intercourse with her.
5. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedent is reported against the applicant in police case diary.
7. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-