

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3279 of 2019**

- Yogesh Yadav S/o Ramanand Yadav Aged About 21 Years R/o Bedarchi, Tahsil Saja, Police Station Khamhariya, District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Saja, District - Bemetara Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri B. P. Singh, Advocate
For Non Applicant	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.06.2019**

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. 152/2019 registered at Police Station- Saja, District- Bemetara (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 3/4, 5/6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that in the month of January 2019, prosecutrix was more than 16 years of age. She is resident of village Sambalpur. There was love affair between her and applicant. In the month of January 2019, applicant committed sexual intercourse with her on pretext of the marriage. On 09.04.2019, he took her and committed repeatedly sexual intercourse with her.

4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- 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 be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul