

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4720 of 2019**

Karan Yadav, S/o Shri Dinesh Yadav, aged about 19 years, R/o Village Ghutaku, Mahamaya Para, Police Station Koni, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Sarkanda, District Bilaspur (CG).

---- Non-applicant

For Applicant	: Mr. Rishi Rahul Soni, Advocate
For Non-applicant	: Mr. Vinod Tekam. Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.09.2019**

1. Allegedly Informant Smt. Shobha Yadav, who is the mother of prosecutrix, is present in person before this Court. After putting some inquiries from her, this Court satisfied that the informant, who is present before this Court is the informant.
2. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.446/2018 registered in Police Station Sarkanda, District Bilaspur for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
4. The first bail application of the applicant was dismissed for want of prosecution by this Court vide order dated 25.03.2019 passed in M.Cr.C. No.1051/2019.
5. Case of the prosecution, in brief, is that on 19.06.2018 the prosecutrix was below 14 years of age. She is resident of Jabrapara, Bilaspur. On 19.06.2018 the applicant took her in his house and committed repeatedly sexual intercourse with her on the pretext of

marriage. He kept her in his house for three months.

6. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case. He further submitted that prosecutrix was a consenting party. The applicant is in jail since 27.09.2018 and there is no material progress in the trial and as such the applicant may be released on bail.

7. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant.

8. Informant Smt. Shobha Yadav submitted that the applicant may be released on bail.

9. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant and looking to this fact that on 19.06.2018 the prosecutrix was below 14 years of age, looking to seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the case as soon as possible from the date of receipt of certified copy of this order.

10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-