

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9428 of 2018**

Jaleshwar Yadav S/o Shri Somaru Yadav, aged about 23 years R/o Village batar (Ghumkapara), Police Station Lakhanpur, Distt. Sarguja (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station AJK, Ambikapur Chhattisgarh (C.G.)

---- Respondent

For Applicant	:	Mr. Rashmi Verma, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**10/01/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 19/2017 registered at Police Station AJK, Ambikapur, Sarguja (C.G.) for the offence punishable under Sections 450, 376 (2 ढ) of IPC, Section 5 (ढ)/6 of the POCSO Act and Section 3 (5) SC/ST Act, 1989
2. In this case, the Prosecutrix is a lady aged about 19 years. On 19/08/2017, she lodged a written report alleging therein that the Applicant, on the pretext of marriage, had been committing sexual intercourse with her since last two years. Later on, he refused to perform marriage with her. On the basis of the said report, offence has been registered and the Applicant has been taken into custody on

28/09/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the Prosecutrix is a major lady. There was love relation between them. From the evidence collected by the prosecution, prima-facie no offence can be made against the Applicant. He further submits that the Applicant is in jail since 28/09/2018 and trial will take time, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 28/09/2018 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge