NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9913 of 2018

Basant Yadav S/o Bahrta Yadav Aged About 33 Years R/o Mauhadih, Police Station Janjgir, District Janjgir Champa Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir, District Janjgir Champa Chhattisgarh.

---- **Respondent**

For the Applicant : Shri Rajat Agrawal, Advocate
For the State : Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

18/01/2019

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.430/2018 registered at Police Station Janjgir, District Janjgir-champa (C.G.) for the offence punishable under Sections 363, 366, 368, 376 of IPC and Section 4 & 6 of POCSO Act.

3. Case of the prosecution, in brief is that on 25/07/2018 prosecutrix was below 15 years of age. She is resident of village Mouhadih. There was the love affair between her and one co-accused namely Rakhi Yadav. On 25/07/2018 co-accused Rakhi Yadav took her village Tundra by enticing . Applicant and co-accused Rishi Yadav had gone village Tundra along with co-accused Rakhi Yadav to leave her.

4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

6. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC there is no allegation against the 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 Court with the condition that he shall 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

Kamde