

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 441 of 2020**

- Dharmendra Yadav S/o Santn Yadav, Aged About 24 Years Caste Mahkul R/o Village Ambadand P.S. And Tahsil Bagicha, District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bagicha District Jashpur Chhattisgarh.

---- Respondent.

For Applicant. : Mr. Akhat Kumar Yadav, Advocate.
 For Respondent/State : Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 118/2019 registered at Police Station – Bagicha, District Jashpur (C.G.) for the offence punishable under Sections 354, 224 & 376 of IPC, Sections 4, 6 & 8 of POCSO Act and Section 3(1)(B)(1), 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The allegation against the applicant, as per the prosecution case, is that, he abducted the prosecutrix and committed sexual intercourse with her against her will and further continuously and repeatedly did the same. Based on that, after investigation, offence has been registered and he has been arrested.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that in the FIR, there is no allegation of the rape against the applicant. There was the dispute of money between the parties, due to that, they made concocted story and implicated the applicant in the crime in question. He next added that the applicant is in jail since 21.08.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, age of the prosecutrix, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu