

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1309 of 2020

Bharat Yadav, S/o Patul Yadav (Dayasagar Yadav), aged about 20 years,
Caste Yadav, R/o Village Koranga, P.S. Tumla, District Jashpur (C.G.)

(In Jail)
---- Applicant

Versus

The State of Chhattisgarh, Through S.H.O. Police Station Tumla, District
Jashpur (C.G.)

---- Non-applicant

For Applicant:	Mr. A.K. Prasad, Advocate.
For Non-applicant:	Mr. Siddharth Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.46/2019, registered at Police Station Tumla, Distt. Jashpur, for the offence punishable under Sections 313, 315 & 376 of the IPC; Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(b)(i) & 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the minor prosecutrix on the pretext of marriage and also administered medicine to her by which she gave birth to a dead foetus and thereby committed the offence.
3. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that the prosecutrix has been examined and she has not supported the case of the prosecution. The

applicant has been arrested on 2-8-2019. The trial is likely to take some time and no useful purpose will be served by keeping the applicant in jail.

4. On the other hand, learned State counsel opposes the application and submits that the prosecutrix is minor and the applicant has administered medicine to the prosecutrix by which she gave birth to a dead fetus.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and the material available on record, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
8. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge