

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7235 of 2019**

- Suresh Kumar Yadav @ Mithun, S/o Shri Leelaram Yadav, Aged About 21 Years, R/o Village Mohbhattha, Police Station Bilha District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Bilha, Civil and Revenue District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kaushal Yadav, Adv.
For Respondent/State	: Mr. Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.01.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 184/2019 registered at Police Station Bilha District - Bilaspur (C.G.) for the offence punishable under Sections 354, 354 (क), 1, (3), (4), 354 (ख), 294, 506 of I.P.C. and Sections 66-ए and 66-ई of the I.T. Act and Sections 8, 12 of the POCSO Act, 2012.
2. The prosecution story, in brief is that, on 28.06.2019 victim went to school for admission and while she was returning, at that point of time, victim was caught hold of by the applicant and other co-accused persons and taken her to a lonely place where her modesty was outraged. She was disrobed and video was prepared on mobile phone, which was gone viral later. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that charge-sheet has already been filed. The

other co-accused persons have already been granted bail in MCRC Nos. 6658/2019 and 7115/2019 vide order dated 06.12.2019. The applicant is in jail since 17.09.2018, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State 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, and further considering the facts that the other co-accused persons have already been granted bail in MCRC Nos. 6658/2019 and 7115/2019 vide order dated 06.12.2019. The applicant is in jail since 17.09.2018 and 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 local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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