

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7360 of 2019**

- Omprakash Yadav son of Vijay Ram, aged about 42 years, resident of village-Devri Pakritoli, Police Station – Kansabel, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Patthalgaon, District Jashpur (C.G.)

---- Respondent

For Applicant	:	Shri Harish Khuntiya, Adv.
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.141/2019, registered at Police Station – Patthalgaon, District Jashpur (C.G.) for the offence punishable under Sections 376, 313, 315, 318 IPC, Sections 4 & 6 of POCSO Act and Section 3(2)(अ)(क) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The prosecution story, in brief, is that on 18.11.2017, when the prosecutrix was all alone in her house, the applicant went to her house and committed sexual intercourse with her and since then on the pretext of marriage, the applicant committed repeated sexual intercourse with the prosecutrix due to which she became pregnant. Thereafter, the applicant took the prosecutrix to the house of co-accused Ram Singh Shringar, where an injection was administered to the prosecutrix and her pregnancy was terminated. Based on

this, offence has been registered. The present applicant has been taken into custody on 13.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is above 17 years of age. He also submits that the on 16.10.2019 co-accused Ram Singh Shringar has been granted bail by this Court in MCRC No.5452/2019. It is next submitted that the applicant is in custody since 13.07.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned counsel submits that the prosecutrix is minor and her pregnancy was terminated by the co-accused at the behest of applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix appears to be above 17 years of age, the applicant is in custody since 13.07.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge