

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8002 of 2019**

Arun Yadav S/o Rewaram Yadav Aged About 24 Years R/o Dadhari, Police Station Gurur, District Balod Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Gurur And District Balod Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Prasoon Agrawal, Advocate.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.01.2020**

Heard.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.113 of 2019, registered at Police Station – Gurur, District – Balod, Chhattisgarh for the offence punishable under Sections 450, 506 and 376 of the Indian Penal Code and Sections 4, 5(tha), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicant was dismissed as withdrawn on 17.9.2019 in M.Cr.C. No. 4934 of 2019 with liberty to revive the same after examination of the prosecutrix.

2. Learned counsel for the applicant submits that the prosecution has come up with an unbelievable story against the applicant. The prosecutrix has been examined before the trial Court and according to the statement given by her it can be clearly made out that she is not a reliable witness and similar is the statement of her father. The applicant is in jail since about 8 months and the trial against the applicant is yet to be concluded. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence present against the applicant regarding commission of offences in the charge-sheet and also the prosecutrix and her father who have been examined before the trial Court have deposed in support of prosecution. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the prosecutrix was minor aged about 14 years in the year 2016 then the applicant by putting her under threat used to have sexual relation with her which continued up till the date of lodging FIR i.e. 4.5.2019 and the age of the prosecutrix on 4.5.2019 is about 16 years 8 months.

6. After considering the material present in the case-diary against the applicant and also perusing the copy of the deposition of the prosecutrix and

her father which has been presented alongwith the petition, I am of the considered view that this is not a fit case to release the applicant on bail. However, the trial Court is directed to conclude the trial as expeditiously as possible preferably within three months from the date of receipt of the copy of this order.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge