

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8096 of 2019**

- Pawan Yadav S/o Balram Yadav Aged About 21 Years R/o Village - Narayanpur, Police Station Lailunga, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tamnar, District Raigarh Chhattisgarh.

---- Respondent

For Applicant. : Mr. Awadh Tripathi, Advocate.
 For Respondent/State : Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.02.2020**

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. 175/2019 registered at Police Station Tamnar, District Raigarh (C.G.) for the offence punishable under Sections 363, 376 of IPC, Sections 4 & 6 of POCSO Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The allegation against the present applicant is that on 12.09.2019 at about 8.30 PM phoned the prosecutrix, hurled abuses and forced her to meet him and threatened her that he would make her photos and videos viral on the social sites thereafter, applicant committed sexual intercourse against her will. Thereafter, statement of the prosecutrix has been recorded, offence has been registered against the applicant 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 next submits that prosecutrix is above 17 years old and she was a consenting party. He next submitted that applicant is in jail since 16.10.2019 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, age of the prosecutrix and further considering that the applicant is in jail since 16.10.2019 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 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