

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6888 of 2021**

- Yashwant Yadav, S/o Shri Jariram Yadav (Jhari Yadav), aged about 20 Years, R/o Gram Charbhati Thana Narayanpur, District Jashpur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Narayanpur, District Jashpur, Chhattisgarh.

---- Non-applicant

For Applicant	Smt. Indira Tripathi, Advocate.
For State	Shri Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

27/10/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.53/2021 registered at Police Station Narayanpur, District Jashpur, C.G. for the offence punishable under Sections 376 of Indian Penal Code and Sections 3 & 4 of Protection of Children from Sexual Offences Act.
2. Allegation against the present applicant is that on 10.07.2021 when the prosecutrix, a minor girl, went to the well for taking bath, the applicant suddenly entered the bathroom, forced the prosecutrix for removing her clothes and on the threat of life committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that applicant is an innocent

person and has been falsely implicated in this case. He submits that applicant has not played any role in alleged offence. Applicant is in jail since 14.07.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the allegation made against the present applicant, the deposition of the prosecutrix recorded before the trial Court, the material so far collected against the applicant, contradictions or omissions, if any, in the statements of the witnesses are to be considered by the trial Court, without commenting anything on merits of the case, this Court is not inclined to release the present applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh