

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8415 of 2020**

- Yogeshwar Pal Yadav S/o Jawahar Lal Yadav Aged About 28 Years R/o Village Korkoma Out Post Rajgamar District Korba Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Out Post Rampur Police Station Kotwali District Korba Chhattisgarh.

---- Respondent

For Applicant	-	Shri Awadh Tripathi, Advocate.
For Respondent	-	Shri Alok Nigam, Government Advocate.
For Objector	-	Shri Govind Ram Miri, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

18/02/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.727/2020, registered at Police Station: Out Post Rampur, Kotwali, District: Korba (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. The prosecutrix now aged about 23 years came in contact with the applicant through facebook and developed an affair since after November, 2017. In June, 2018 the applicant allegedly committed sexual intercourse on promise to marry which continued till the last sexual intercourse which happened on 06-08-2020. It is said that after the sexual intercourse on 06-08-

2020, the prosecutrix insisted for marriage on which the applicant refused, thereafter, the written FIR was lodged on 26-08-2020.

4. Learned State counsel and learned counsel for the objector would submit that the prosecutrix was subjected to sexual exploitation on promise to marry and during the course of affair, she was aborted by the applicant. It is also argued that after registration of FIR, the applicant was absconding, therefore, a reward of Rs.2,000/- was declared to any person who helps the police in getting the applicant arrested. Thus, the applicant being a Constable violated the law and the discipline of a government servant, therefore, he should not be released on bail.
5. Having considered the material available in the case diary and without commenting on the merits and also for the fact that the applicant is in jail since 30-10-2020 and the charge sheet has already been filed, I am inclined to release the applicant on bail for the reason that they had an affair for sufficient length of time.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-
(Prashant Kumar Mishra)
Judge