

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8555 of 2021**

Foolchand Yadav S/o Dinanath Yadav Aged About 27 Years
 R/o Village -Dandkesra, Police Station Kamleshwarpur,
 District - Sarguja Chhattisgarh. --- **Applicant**

Versus

State of Chhattisgarh through, Station House Officer Police of
 Police Station - Bagicha, District Jashpur Chhattisgarh. ---
Respondent

For the applicant	: Mr. Sanjeev Kumar Sahu, Advocate.
For the Respondent	: Mr. Raghavendra Verma, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****09.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 90/2019 registered at Police Station Bagicha, District Jashpur (C.G) for the offences punishable under Sections 450 & 376 of IPC and sections 4 & 6 of the POCSO Act.
2. As per the prosecution case, on 20.06.2019 while the victim girl was sleeping in the room, the applicant entered into the house and forcibly committed sexual intercourse with her. She being minor the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the court and she has not supported the case of prosecution, therefore, the applicant may be enlarged on bail.
4. The victim is also present today through the video

conferencing from DLSA Jashpur and submits that the applicant may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail application.
 6. Perused the statement of victim (P.W.2) recorded in the court below, which shows that the prosecutrix has not supported the case of prosecution and further before this Court too, today when she was connected to the video conferencing through DLSA Jashpur she has stated that the applicant may be enlarged on bail. Considering such statements of the victim, without going into the merits of the case, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**