

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.9571 of 2021

Lokesh Yadav, S/o Prem Lal Yadav, age 24 years, R/o Bade Purda, Police Station Bori, Tahsil and Distt. Durg (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer Bori, Distt. Durg (C.G.)
---- Non-applicant

For Applicant: Mr. Uttam Pandey, Advocate.
For Non-applicant/State: Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board10/12/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.28/2018, registered at Police Station Bori, Distt. Durg, for the offence punishable under Sections 376, 294, 506, 323 read with Section 34 of the IPC, Section 67 of the Information Technology Act and Sections 5(l) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. This is the fifth bail application filed on behalf of the applicant for grant of bail.
3. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the minor prosecutrix and thereby committed the aforesaid offence.
4. Learned counsel for the applicant submits that this is the fifth bail application filed on behalf of the applicant for grant of bail, the

applicant has not committed any offence and he has been falsely implicated in the case. The applicant has been arrested on 12-3-2018 and since then he is in jail. Only five witnesses have been examined so far and the prosecutrix and her parents have also been examined, but they have not supported the case of the prosecution. There is no medical evidence against the applicant, therefore, the applicant be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Considering nature and gravity of the offence, facts and circumstances of the case and further considering the age of the prosecutrix on the date of offence and other material available on record, I do not consider it a fit case for grant of bail to the applicant. Accordingly, the application is rejected. However, since the accused is in jail since 12-3-2018, the trial Court is directed to conclude the trial and decide the same within 4 months from the date of receipt of a copy of this order.

Sd/-
(Sanjay K. Agrawal)
Judge