

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7928 of 2018**

Pitambar Yadav, aged about 23 years, son of Ganeshwar Yadav, resident of Kokiyaakhar, Police Station – Bagbahar, District Jashpur (C.G.)

**----Applicant****Versus**

State of Chhattisgarh- Through : Station House Officer, Police Station – Kansabel, District – Jashpur (C.G.)

**---- Non-applicant**

For Applicant	: Shri J.K. Saxena, Advocate.
For State	: Shri Adhiraj Suranaj, Dy. Govt. Advocate.

**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****31/10/2018**

Heard.

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 63/2018 registered at Police Station – Kansabel, District - Jashpur for the offence punishable under Sections 420, 376 of the Indian Penal Code and Section 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that applicant on the pretext of securing employment to the prosecutrix obtained Rs.1,50,000/-; and also committed rape on her and thereby committed the aforesaid offences.
3. Counsel for the applicant would submit that applicant has been falsely implicated in the offence in question as he has not committed any offence. He submits that applicant is

in jail since 22.06.2018; charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

4. On the other hand, counsel for the State opposed the bail application.

5. I have heard learned counsel appearing for the parties and perused the case dairy.

6. Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 22.06.2018 and the charge sheet has already been filed and no custodial interrogation is required; 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 trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)  
Judge

D/-

