

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3773 of 2017**

Deepak Sinha S/o Late Bakelal Sinha, Aged About 24 Years R/o  
Subhash Chowk, Gariyaband, District Gariyaband, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station  
Gariyaband, District Gariyaband, Chhattisgarh.

---- Respondent

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| For applicant        | Mr. K. N. Nande, Adv.         |
| For Respondent/State | Mr. D.R. Minj, Dy. Govt. Adv. |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****17-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the copy of the charge sheet produced by counsel for the applicant in connection with Crime No. 102/2015 registered in police station Gariyaband, Distt. Gariyaband (CG) for offence punishable under Section 363, 366, 376 of the IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and also heard counsel for the parties and also the statement of P.W. 3 Lalita Meshram, P.W. 4 Prakash Meshram and P.W. 5 the prosecutrix.
3. Prosecution story in brief is that the prosecutrix is a member of scheduled castes and was below 18 years of age at the time of incident. On 13-7-2015, the applicant took away the prosecutrix from Gariyaband to different places and committed sexual intercourse with her.
4. P.W. 3 Lalita Meshram, who is mother of the prosecutrix, in para 4 of her deposition says that at the time of incident, the prosecutrix had completed 18 years. P.W. 4 Prakash Meshram, father of the

prosecutrix, says in para 2 of his deposition that at the time of incident, the age of the prosecutrix was 18 to 20 years. P.W. 5 the prosecutrix in para 2 of her deposition says that there was love affair between her and the applicant, she alone went Nagpur and called the applicant to Nagpur. She herself went with the applicant from Nagpur to Kailod.

5. Charge sheet has already been filed. The applicant is in custody since 21-7-2016.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
7. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 21-7-2016, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
9. CC as per rules.

**Sd/-  
(Sharad Kumar Gupta)  
Judge**