

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3852 of 2017

- Narsimha @ Chhotu S/o Ramchandra Lodhi, Aged About 24 Years R/o Kalai, Thana Aarang, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Aarang, District Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate

For Non-applicant : Mr. D.R. Minj, Dy. Government Advocate

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 no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 131/2017 registered at Police Station – Arang, District – Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is near about 17 years and 8 months and resident of village – Kalai. On 14.03.2017 in the morning the prosecutrix was not found in the house.

His father intimidated the Police Station Arang. During the investigation it was found that the applicant Narsimha had taken away the prosecutrix on pretext of marriage. He had also committed sexual intercourse with her.

4. The charge-sheet is yet not filed and the investigation is under process. The applicant is in custody since 09.04.2017.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. As per the deposition sheet of the prosecutrix, her date of birth is 01.07.1998. At the time of the incident she was 18 years old. She had left her house because her parents wanted to perform her marriage, but she was not ready for it. The applicant had not committed sexual intercourse with her. As per the deposition sheet of Devnarayan, father of the prosecutrix, at the time of occurrence the prosecutrix was 18 years old.
8. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Accordingly, the bail application of Narsimha filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the

satisfaction of the concerned Court with the condition that he will appear before the Court at 11:00 am as and when directed, he shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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