

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2689 of 2018**

Lal Bahadur S/o Sardar Sarthi Aged About 21 Years R/o-
Village- Parsa, P.S. Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Gandhinagar,
District- Surguja, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Tripathi, Advocate
For the State	:	Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10/05/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 348/2017 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Sections 363, 376 (2) (ब) of IPC and Section 5 (ब)/06 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the date of birth of prosecutrix is 12/08/2001. She is resident of village Parsa. On 06/10/2017 on the instance of the applicant prosecutrix went to her house and he committed sexual intercourse with her promising the marriage. On 16/11/2017 the parents of the prosecutrix brought the prosecutrix in Police Station Gandhinagar, Ambikapur.
4. As per the statement of the prosecutrix recorded under Section 164 of

CrPC dated 04/12/2017 she left her matrimonial house voluntarily and went to house of the applicant. He has not committed any wrong with her. After advise of the applicant and his family members, she returned back in her maternal house.

5. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case and the applicant is in custody since 16/12/2017, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and the trial will take its own time, applicant is in jail since 16/12/2017, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. 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 shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge