

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3702 of 2018**

Ratiram Dhruv, S/o Lukau Gond, Aged about 20 years, R/o Village Jamaha, Police Station Mungeli, District Mungeli (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Mungeli, District Mungeli (CG).

---- Non-applicant

For Applicant : Mr. Anish Tiwari, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.08.2018**

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 counsel for the State in connection with crime No.67/2018 registered at Police Station Mungeli, District Mungeli for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix was aged about 16 years 02 days on the date of incident. On 29.01.2018 the applicant took the prosecutrix and committed forcibly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in

the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per the certified copy of the statement of the prosecutrix recorded by the trial Court in which she has stated that nothing was happened with her by the applicant.
8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
9. Accordingly, the present bail application 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 Trial 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 co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-