

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3710 of 2018**

Angeshwar Prasad S/o Bhisham Lal Verma Aged About 24
Years R/o- Ghivra, Police Station- Kharora, Raipur, District-
Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, P.S.
Kharora, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Amarnath Pandey, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/08/2018**

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. 69/2018 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that the prosecutrix was more than 16 years of old on 12/02/2018. She is resident of village Ghivra. In the intervening night of 12.02.2018 and 13.02.2018 applicant taken away the prosecutrix saying that he will marry with her thereafter he committed sexual intercourse with her. There was a love affair between the prosecutrix and the applicant.
4. Learned counsel for the applicant submits that applicant is innocent

and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent against the applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- along with a personal bond of Rs. 50,000/- 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge