

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4645 of 2018**

Akbar Khan, son of Shri Rahmat Khan, aged about 25 years, resident of Ward No.7, Mishra Bada, Abhanpur, Behind Government School, Police Station Abhanpur, District Raipur (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. Aditya Khare, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.10.2018**

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.32/2017 registered at Police Station Abhanpur, District Raipur for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 19.09.2017 the prosecutrix was aged about 17 years. She is resident of village Abhanpur. There was a love affairs between the applicant and prosecutrix for two years. On 19.09.2017, the applicant took away the prosecutrix from her house on the pretext of marriage and, thereafter, he committed 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. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. 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.
8. Accordingly, the present 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 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE