

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5227 of 2018**

- Rajat Kashyap S/o Rajesh Kashyap Aged About 24 Years R/o Ward No. 59 Bhoipara, P. S. Azad Chowk, District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through P. S. Azad Chowk, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Devershi Thakur, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**20.08.2018**

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 learned counsel for the State in connection with crime No. 220/2016 registered at Police Station – Azad Chowk, District - Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix was near about 15 years and 8 months at the time of the alleged incident. She is resident of Bhoipara, Raipur. Three years prior to the date of FIR there was a love affair between the prosecutrix and the applicant. On

28.10.2015, the prosecutrix went to meet the applicant. Thereafter, they got married in a temple. They were living together in a rented house. On 19.08.2016 the applicant ousted her after beating.

4. The applicant is in custody since 20.06.2018.
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. Looking to the facts and circumstances 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 its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present 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.30,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will 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