

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5389 of 2018**

Santu Baiga, S/o Suklu Baiga, aged about 30 years, R/o Chhinditola (Khamhi), Police Station Kukdur, District Kabirdham.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Taregaon Jungle, District Kabirdham (CG).

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2018**

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.07/2018 registered at Police Station Taregaon Jungle, District Kabirdham for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 20.04.2018 the age of the prosecutrix was more than 17 years, she is resident of village Chhui, District Kabirdham. She told the applicant that he took her in his house.

Thereafter, the applicant took her in forest and kept for 08 days and committed sexual intercourse with her on the pretext of marriage.

4. The applicant is in custody since 07.05.2018.
5. 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.
6. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.
7. I have heard counsel for the parties and perused the case diary with utmost circumspection.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; there is no previous antecedent against him, charge-sheet has already been filed; 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.30,000/- 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/-