

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5417 of 2018**

Tuleshwar Singh S/o Jabarsai Gond, Aged About 23 Years R/o-
Govindgarh, Police Station Odgi, District- Surajpur,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Of
Police Station- Odgi, District- Surajpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/08/2018**

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. 33/2018 registered at Police Station Odgi, District Surajpur (C.G.) for the offence punishable under Sections 363, 366 of IPC and Section 12 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that the age of the prosecutrix is more than 16 years. She is resident of village Dharsedi, District Surajpur. Applicant had taken away the prosecutrix on pretext of marriage. He had enticed her. He had not committed sexual intercourse with her.
4. Learned counsel for the applicant submits that applicant is innocent

and falsely implicated in the present case, applicant is in custody since 12/05/2018, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that no other criminal case is registered against the present applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and applicant is in jail since 12/05/2018, 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.
8. 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 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge