

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5628 of 2018**

- Vikas Kujur S/o Late Raminsai Kujur Aged About 20 Years R/o- Village- Thakurpodi, Police Station Kapu, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Dharamjaigarh, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Amit Singh, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28.08.2018**

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. 115/2018 registered at Police Station – Dharamjaigarh, District – Raigarh (C.G.) for the offence punishable under Sections 363, 366A, 376/34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix was more than 17 years old on 04.05.2018. She is resident of village – Boro. Earlier applicant had committed sexual intercourse with prosecutrix on the pretext of marriage. The applicant had taken away prosecutrix to his house and in the house of her

girl friend and committed sexual intercourse with her.

4. The applicant is in custody since 09.05.2018.
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, however, submits that there is no antecedent against the applicant.
7. In the certified copy of the statement of the prosecutrix recorded by the Trial Court, prosecutrix does not say anything against the applicant.
8. 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.
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.25,000/- along with a personal bond of 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE