

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5647 of 2018**

- Himanshu @ Golu Manikpuri S/o Shri Uttam Das Manikpuri Aged About 29 Years R/o- Bus Stand Sambalpur, P.S. Bhanupratappur, District- North Bastar, Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of C.G. Through- P.S. Bhanupratappur, District- North Bastar Kanker, Chhattisgarh.

---- Non-applicant

For Applicant : Shri P.K.C. Tiwari, Sr. Advocate with Shri Shashi Bhushan Tiwari, Advocate

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29.08.2018**

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. 40/2018 registered at Police Station – Bhanupratappur, District – Kanker (C.G.) for the offence punishable under Sections 376, 506 r/w 120(B) of the Indian Penal Code and Section 04 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 20.03.2018 prosecutrix was more than 17 years old. She is resident of village Chandni Chowk, Sambalpur. On 20.03.2018, the applicant had taken her away by enticing and committed

sexual intercourse with her in the house of co-accused Raja @ Sohel Khan

4. The applicant is in custody since 05.05.2018.
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. 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 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE