

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5658 of 2018**

Amrit @ Pardeshi Dhanuhaar S/o Santram Dhanuhaar Aged
About 25 Years R/o- Aamatikra (Devbhatti) Chotiya, Police
Station- Konmona, District- Korba, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Shri Surfaraj Khan, Advocate
For the State	:	Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/08/2018**

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. 140/2017 registered at Police Station Premnagar, District Surajpur (C.G.) for the offence punishable under Section 363, 366 and 376 of IPC and Sections 3 & 4 of Protection of children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 06/11/2017 the prosecutrix was more than 17 years old. She is resident of village Raghunathpur. On 15/11/2017 after enjoying the picnic prosecutrix stayed in the room of the applicant. On the next day prosecutrix went her house and left the house along with cloths and mark-sheet. Thereafter she and applicant went village Devmatti Ratanpur. Applicant had committed sexual intercourse with her and they are living as husband and wife.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent against the applicant, 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. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge