

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5902 of 2018

1. Shyamkumar S/o Suresh Aged About 18 Years Caste- Gada, R/o- Village- Baradoli, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.
2. Omprakash S/o Ghasiram Aged About 19 Years R/o- Village- Kanwarpali, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicants : Mr. Vikash Pradhan, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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.232/2018 registered at Police Station – Saraipali, District – Mahasamund (C.G.) for the offence punishable under Sections 363, 366/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is near about 16 year old. She is resident of village Baradoli. She had a love affair with

the applicant Shyamkumar. On 25.07.2018 applicant had taken away her at village Sankra. Thereafter, applicant Prakash Chouhan had taken away her to Raipur Railway Station where police reached and taken them to police station.

4. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. As per the statement of the prosecutrix recorded u/s 164 Cr.P.C. she was liking accused Shyam Kumar, thus she sit on his motorcycle and went to Saraipali. She is inclined to live with accused Shyam Kumar Chouhan.
7. Looking to these 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 applicants.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if each 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 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