

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6109 of 2018

- Sagar Bariha S/o Labho Bariha Aged About 22 Years R/o Village Kushbhata, Thana-Saliha Tahsil Kasdol District Balodabazar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Basna District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27.09.2018

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. 192/2018 registered at Police Station – Basna District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 09.05.2018, prosecutrix was more than 16 years old. She is resident of village Khatetarai. There was a love affair between the applicant and the prosecutrix. On

09.05.2018 in night prosecutrix left her parental house to abscond along with the applicant. She had told the applicant to move towards Raipur. Applicant had committed sexual intercourse with the prosecutrix.

4. 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.

5. On the other hand, learned counsel for the State opposes the bail application, however, he further submits that there is no criminal antecedent against the applicant.

6. 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 applicant.

7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE