

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6166 of 2018**

- Rahul Tamrakar S/o Shri Mannu Lal Tamrkar Aged About 23 Years R/o Village Baikunthpur, Police Station And Tehsil Baikunthpur, District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Baikunthpur, District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. R.S. Marhas, Advocate.
For Non-applicant	: Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.11.2018

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. case diary not produced. Counsel for the applicant produced photocopy of the charge sheet.
3. The applicant has been arrested in connection with crime No. 123/2018 registered at Police Station – Baikunthpur, District – Koriya (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that prosecutrix is the resident of Premabag, Baikunthpur. In year 2017, she was more than 16 years of age. In the year 2017, and thereafter applicant committed sexual intercourse with her. On 09.07.2018, he took away her to different places where he had again committed sexual intercourse with her.
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.
7. As per the photocopy of the arrest memo of the applicant which is part of the charge sheet it has been mentioned that no antecedent has been reported against him.
8. 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, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE