

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5972 of 2018**

Champu Ram Tarak S/o Vishnu Ram Tarak Aged About 24 Years
R/o Village Kopra (Pairinagar) P. S. Panduka, District
Gariyaband Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Panduka,
District Gariyaband Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shiv Kumar Guha, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/09/2018**

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 counsel for the State in connection with the Crime No. 26/2018 registered at Police Station Panduka, District Gariyaband (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 13/02/2018 prosecutrix was more than 16 years old. She is resident of village Kopra, District Gariyaband. There was a love affair between the applicant and the prosecutrix. On 13/02/2018 applicant had taken away the prosecutrix on pretext of marriage and they performed marriage in a temple at Dongargarh. Applicant was committing forcibly sexual intercourse with her.
4. 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. He further submits that there is no antecedents of the applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to the affidavit of Sevaram Patel, father of the prosecutrix and looking to the other facts and circumstances of the case, 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. 25,000/- 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