

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6069 of 2018**

Vikram Mandre, S/o Shri Ganeshram Mandre, aged about 20 years, R/o Village Tankipara, Chilhati, P.S. Sarkanda, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Sarkanda, District Bilaspur (CG).

---- Non-applicant

For Applicant	: Mr. Prabhat Kumar Saxena, Advocate.
For Non-applicant	: Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.11.2018

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. Perused the case diary provided by the counsel for the State in connection with Crime No.200/2018 registered at Police Station Sarkanda, District Bilaspur for the offence punishable under Section 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 31.03.2018 the age of prosecutrix was below than 16 years. She is a resident of village Janhati. On 31.03.2018 the applicant took away her forcibly in his house and where committed forcibly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, he submits that no criminal antecedent reported against the applicant in the police case diary.
6. As per true copy of statement of the prosecutrix, which is a part of bail application in which she turned hostile in Trial Court and stated that no incident was happened with her by the applicant.
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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

8. 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-