

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6044 of 2018**

- Rajesh Sarthi S/o Madan Sarthi Aged About 26 Years R/o- Village- Dhadhiya (Kachhiya), P.S. - Chalgali, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Non-applicant

For Applicant : Shri A.K. Yadav , Advocate

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26.09.2018**

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. 11/2018 registered at Police Station – Ramanujganj, District - Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376(2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 25.01.2018 the age of the prosecutrix was 17 years and 9 months. She is resident of village Nagra.

Both, applicant and prosecutrix were liking each other. On 25.01.2018 prosecutrix left her parental house, applicant took her away to different places. He had committed sexual intercourse with her.

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, she submits that there is no antecedent against the applicant.
6. Looking to these facts and circumstances of the case, looking to the statement of the prosecutrix recorded u/s 164 Cr.P.C., 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 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