

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6178 of 2018

- Dharmu Sahu S/o Puranlal Sahu Aged About 27 Years R/o- Ward No. 4 Rajhara Camp Ahiwara, Police Station Nandini Nagar, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Of Police Station- Nandini Nagar, District- Durg, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Tarun Dadsena, Advocate.

For Non-applicant : Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

04.10.2018

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. 143/2018 registered at Police Station – Nandini Nagar, District - Durg (C.G.) for the offence punishable under Section 363, 366 and 376 of the Indian Penal Code and Section 5 (घ) / 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 27.05.2018 prosecutrix was more than 16 years old. She is resident of village Rajhara Camp, Ahiwara. On 27.05.2018 in night applicant taken away prosecutrix enticing her on the pretext of marriage he committed sexual intercourse

with her. Thereafter, it has been brought in her knowledge that applicant is already marriage.

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 submits that there is no antecedent against the applicant.

6. As per the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. she has stated that no wrong has been done with her.

7. Looking to these facts and circumstances of the case, looking to the statement of the prosecutrix recorded under Section 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.

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

9. 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE