

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6101 of 2018**

Bhajan Singh Banwasi S/o Radhe Lal Banwasi Aged About 20
Years R/o- Village Bhaganwara, Police Station Amarpur, District-
Dindori (M.P.)

---- Applicant**Versus**

State of Chhattisgarh Through- Station House Officer, Police
Station- Tikrapara, District- Raipur, CG

---- Respondent

For applicant	Mr. Syed Imtiyaz Ali, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The State counsel has not produced the case diary. Counsel for the applicant produced copy of charge sheet. I have perused the same.
3. The applicant has been arrested in connection with Crime No. 418/2017 registered in police station Tikrapara, Distt Raipur (CG) for offence punishable under Sections 363, 366, 376(2)(ढ) of the IPC and Sections 3, 4 and 6 of the Protection of Children from Sexual Offences Act.
4. Prosecution story in brief is that on 15-8-2017, the prosecutrix was aged about 17 years and 2 months old. She is resident of village Mama Bhanca, Mahasamund. The applicant and the prosecutrix were talking each other through mobile. On 15-8-2017, the prosecutrix left her parental house and reached at Bas Stand where she met the applicant. The applicant took her away by promising to marry her. The applicant committed sexual intercourse with the prosecutrix on the pretext of marriage.

5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
7. As per the arrest memo of the applicant enclosed in the charge sheet, it has been mentioned that there is no criminal antecedent of the applicant.
8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge