

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6208 of 2018

- Ravi Dewangan S/o Chandrasen Dewangan Aged About 21 Years R/o Kokar Para, Morga, Police Chowki- Morga, Police Station- Bango, District- Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station , Adim Jati Kalyan Thana, Korba, district Korba Chhattisgarh.

---- Non-applicant

For Applicant : Shri Goutam Khetrapal, Advocate

For Non-applicant : Shri Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board05.10.2018

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. 60/2018 registered at Police Station – Adim Jati Kalyan Thana, District – Korba (C.G.) for the offence punishable under Section 363, 366(A), 366, 376 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that prosecutrix is below 16 years old. She is resident of village – Morga. Applicant and prosecutrix were

liking each other. On 12.04.2018 applicant had taken away her by enticing on pretext of marriage. They performed marriage in the temple. Applicant was committing 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, he submits that there is no antecedent against the applicant.

6. In the statement of the prosecutrix recorded u/s 164 Cr.P.C. it has been mentioned that prosecutrix herself left her parental house because her parents were scolding her.

7. 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.

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