

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6463 of 2018**

Arvind Sahu, aged about 34 years, son of Mannulal Sahu, resident of Naya Rawanbhatha, Dashahra Ground, Mahasamund, Police Station Tahsil and District Mahasamund (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.10.2018**

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 counsel for the State in connection with Crime No.186/2018 registered at Police Station Mahasamund, District Mahasamund for the offence punishable under Sections 376, 376(2)(n)/506 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 date of birth of the prosecutrix is 13.10.1994. She is a resident of village Mongra. She is a already married woman. When she was aged about 15 years old, the applicant has forcibly committed sexual intercourse with her and, thereafter, he exploited her physically for 8 years saying that he has made obscene video of 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, therefore, 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.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC in the month of August, 2011 applicant committed sexual intercourse with her first time.
8. 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.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-