

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6614 of 2018**

Shivnandan Kashyap @ Rahul Kashyap, son of Seedeshvar Kashyap, aged about 24 years, Resident of Village Maisikala, Post Officer Karup Indrahiya, P.S. Saaram District Rohtaah Bihar, Present address Naar Soni Ka Makaan, Khatikpara Namnakala, Ambikapur, P.S. Kotwali, District Surguja (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Lundra, District Surguja (CG).

---- Non-applicant

For Applicant : Mr. A.K. Yadav, Advocate.

For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.10.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.76/2018 registered at Police Station Lundra, District Surguja for the offence punishable under Sections 363, 366, 376(2)(n), 366(A), 368, 114, 120B read with 34 of Indian Penal Code, 1860 and Section 5(th)(chh), 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief is that the date of birth of the prosecutrix is 09.05.2001. She is resident of village Bargidih, District Surguja. On 16.05.2018 the co-accused Mohd. Imran @ Azad took away the prosecutrix on his motorcycle. Accused Rahul was seated in back side of motorcycle and gagged the mouth of prosecutrix. The prosecutrix

was kept in the house of accused Rahul, where co-accused Mohd. Imran @ Azad committed forcibly sexual intercourse with her.

3. 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.
4. Counsel for the State submits that at present case diary is not available, but he has received information by telephone from the concerned Police Station Lundra, District Surguja that no criminal antecedent is reported against the applicant.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. Looking to the above mentioned 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.
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 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-