

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7125 of 2018**

Kartik Ram Banjare, S/o Shri Thallan Banjare, aged about 60 years, R/o Mini Mata Nagar, Talapara, Bilaspur District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Civil Lines, Bilaspur(CG).

---- Non-applicant

For Applicant : Mr. Ajay Ayachi, Advocate.

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.11.2018**

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 applicant has been arrested in connection with Crime No.748/2017 registered in Police Station Civil Lines, Bilaspur for the offence punishable under Sections 376(2), 342 of IPC and Sections, 4, 8, 9 of Protection of Children from Sexual Offence Act.
3. Prosecution story in brief is that on 27.09.2017 the prosecutrix was aged about 11 years old. She is resident of village Mini Mata Nagar, Talapara, Bilaspur. The present applicant is a grandfather of the prosecutrix. On 27.09.2017 the applicant committed forcibly sexual intercourse with her after fastening her hands and legs by towel.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant. He further submitted that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per enclosed certified copy of the statement of prosecutrix recorded by the Trial Court in which she turned hostile.

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 benefits of Section 439 of the CrPC to the applicant.
9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
10. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- 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/-