

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6768 of 2018**

Bhupendra Dhindhe, S/o late Ramu Dhindhe, aged about 21 years, R/o Charouda, Shandar Chowk, Ward No.30, Police Station Bhilai-3, District Durg (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. B.L. Sahu, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

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.220/2018 registered at Police Station Dharsiwa, District Raipur for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 3 & 4 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief is that on 26.05.2018 the prosecutrix was more than 16 years. She is resident of village Bagichapara. There was a love affair between the applicant and prosecutrix. She told to the applicant that she wants to leave her parental house. She had left her parental house and went with the applicant and, thereafter, applicant committed sexual intercourse with her on the pretext of marriage.
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. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. As per photocopy of the statement of prosecutrix recorded under Section 164 of CrPC, she went with the applicant on her own will and she stated that she does not want to take any legal action against the applicant.
7. As per enclosed arrest memo along with photocopy of charge-sheet, no criminal antecedent is reported against the applicant.
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