

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6769 of 2018**

Prakash Verma, aged about 23 years, S/o late Sundar Verma, R/o Village Kanki, P.S. Kharora, District Raipur (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Mr. Ravindra Sharma, Advocate.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

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.232/2017 registered at Police Station Pandari, District Raipur for the offence punishable under Sections 363, 366(a), 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief is that on 14.08.2017 the prosecutrix was aged about 17 years. She is resident of village Dubey Colony, Pandari, District Raipur. On 14.08.2017 the applicant took away the prosecutrix by enticing to perform marriage. They went to Bhanpuri Banjari Temple, where he put vermilion on her forehead and, thereafter, he committed sexual intercourse with her so many times.
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 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 the prosecutrix, she turned hostile in the trial Court.
7. 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.
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 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-