

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6800 of 2018**

Akash son of Dashrath Nirmalkar, aged about 18 years, R/o Gopibandpara, Pandari,
Police Station Pandaria, District Kabirdham (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pandaria, District
Kabirdham (CG). **---- Non-applicant**

For Applicant : Mr. Devesh Chandra Verma, Advocate
For Non-applicant : Mr. Ashok Kumar Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.88/2018 registered in Police Station Pandaria, District Kabirdham for the offence punishable under Sections 363, 34 of IPC and Section 8 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief, is that the prosecutrix is a resident of village Pandaria. On 02.07.2018, she was below than 14 years of age. The applicant had given threatening to her if she will not come then he will expose her photos in face-book. On 02.07.2018 the applicant took her in village Manzagaon and kept her in the house of his maternal uncle.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He would further submit that there is a delay in lodging the FIR against unknown persons and there was love affair between the applicant and prosecutrix and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
6. 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. Accordingly, the bail application is allowed.
7. It is directed that if the applicant furnishes one solvent sureties 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE