

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6811 of 2018

- Lakhidhar Korram S/o Shri Budhnath Korram Aged About 21 Years Caste Gond, R/o Village Silati-Khalepara, P. S. Kondagaon, Tehsil And District Kondagaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Kondagaon, District Kondagaon Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Raza Ali, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

11.10.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 24/2018 registered at Police Station – Kondagaon District - Kondagaon (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 23.01.2016 prosecutrix was near about 17 years old. She is resident of village Silari. From 23.01.2016 applicant committed repeated sexual intercourse with

prosecutrix on pretext of marriage. She became pregnant, thereafter, applicant refused to marry with her.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against 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, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE