

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6854 of 2018**

Hiteshwar @ Chotu Sahu S/o Ram Narayan Sahu Aged About 22
Years R/o Village Alda Police Station Newra District Raipur CG

---- Applicant**Versus**

State Of Chhattisgarh Through -Police Station Vidhan Sabha Raipur
District Raipur CG

---- Respondent

For applicant	Mr. Anil Singh Rajput, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12-10-2018**

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. 262/2017 registered in police station Vidhan Sabha, Raipur (CG) for offence punishable under Section 363, 366, 376(2)(f) of the IPC and Section 6 of Protection of Children from Sexual Offences Act,
3. Prosecution story in brief is that on 6-10-2017, the prosecutrix was more than 16 years of age. The applicant promised to marry her. She left parental house on 6-10-2017. They went to Dongargarh where they performed marriage. The applicant committed repeated sexual intercourse with her. As per true copy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. there was love affair between her and him. She is living with the applicant as his wife.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined

to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge