

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6862 of 2018**

- Kameshdas Manikpuri S/o Shri Aleshwar Das Aged About 19 Years
Caste - Panika, Occupation - Dependent, R/o Village - Nansiya, P.S.
Jutemill, Tahsil And District - Raigarh, CG

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Of The Police Station - Ajak,
Chakradhar Nagar, District - Raigarh, CG

---- Respondent

For applicant	Mr. Abhishek Saraf, Adv.
For Respondent/State	Mr. Vasim Miyan, 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. 86/2018 registered in police station AJAK, Distt. Raigarh (CG) for offence punishable under Section 363, 366, 376 of the IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act and Section 3(1)(B)(1) and 3(2)(5) of the SCST Act.
3. Prosecution story in brief is that on 4-2-2018 prosecutrix was aged more than 16 year. She is resident of village Tendudipa. She is a member of Scheduled caste. There was love affair between the prosecutrix and the applicant. On 4-2-2018 she left her parental house and went to railway station to meet him. The applicant took her to different places and repeatedly committed sexual intercourse with her on the pretext of marriage.
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 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