NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6991 of 2018

Nageshwar S/o Lakhan Chelak Aged About 21 Years R/o Chakarway, Police Staion Kasdol, Baloda Bazar, District - Baloda Bazar, CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Kasdol, Civil And Revenue District - Baloda Bazar-Bhatapara, G

---- Respondent

For applicant — Ms. Sunita Sahu, Adv.
For Respondent/State — Mr. Ashok Swarnkar, PL

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

22-11-2018

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. 424/2018 registered in police station Kasdol, Distt. Baloda Bazar-Bhatapara (CG) for offence punishable under Sections 363, 366, 376 of the IPC.

3. In brief prosecution story is that the prosecutrix is a resident of Chakarvay. On 21-8-2018, she was aged more than 17 years. On 21-8-2018 the applicant took her by enticing on the pretext of marriage. They stayed at Raipur. The applicant committed sexual intercourse with her before 21-8-2018 and thereafter also.

4. As per true copy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., she had called the applicant at Kasdol bus stand to go to Raipur. He had not committed sexual intercourse with her on 21-8-2018. Earlier he had committed sexual intercourse with her on her wish and will.

5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.

6. 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.

7. Looking to the above facts and circumstances of the case, 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, he be released on bail.

8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Pathak