

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7203 of 2018**

Rajaram son of Dharmjeet, aged about 23 years, Resident of Saraswatipur, Vishrampur, District Surajpur(CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Dhourpur, District Surguja (Ambikapur)(CG).

---- Non-applicant

For Applicant : Mr. Varunendra Mishra, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.11.2018**

1. Case diary is not available.
2. 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.
3. Perused the copy of charge-sheet provided by the counsel for the Applicant in connection with Crime No.24/2018 registered at Police Station Dhourpur, District Surguja (Ambikapur) for the offence punishable under Sections 363, 366, 376(2)(६) of IPC and Section 5(३)/6 of Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 28.04.2017 the prosecutrix was more than 16 years old. She is a resident of village Karra, Nawapara. On 28.04.2017, the applicant took the prosecutrix by enticing on the pretext of marriage and he committed sexual intercourse with her.

5. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.
7. I have heard counsel for the parties and perused the case diary with utmost circumspection.
8. As per enclosed photocopy of the arrest memo, which is a part of charge-sheet in which it has been mentioned that no criminal antecedent is reported against the applicant in police case diary.
9. 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.
10. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
11. 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 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.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-