

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7154 of 2018**

Arvind Kerketta, aged about 21 years, S/o Shri Johan Kerketta, R/o Bhairapur, Police Station Shankargarh, District Balrampur Ramanujganj (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Shankargarh, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicant : Mr. Rahul Kumar, Advocate.

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

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

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 counsel for the State in connection with crime No.57/2016 registered at Police Station Shankargarh, District Balrampur Ramanujganj for the offence punishable under Sections 363, 366-A, 376(2)(२) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 05.09.2016 the prosecutrix was aged about 16 years old. She is resident of village Bhairapur. On 05.09.2016 the applicant took away the prosecutrix by enticing and committed forcibly sexual intercourse with her so many times on the pretext of marriage.

4. 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.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per enclosed photocopy of the statement of the prosecutrix recorded by the trial Court in which she turned hostile.
8. 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.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-