

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7209 of 2018**

Kishan Sagar, son of Janak Ram Sagar, aged about 24 years, R/o Darrabhata, Police Station Saraipali, District Mahasamund (CG).
---- Applicant

Versus

State Of Chhattisgarh, through Station House Officer, Police Station Saraipali, District Mahasamund (CG).
---- Non-applicant

For Applicant : Mr. Yogeshwar Sharma, Advocate.
 For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.11.2018

1. Case diary is not available.
2. This is second 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.131/2018 registered at Police Station Saraipali, District Mahasamund for the offence punishable under Section 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that on 28.03.2018 the prosecutrix was below than 15 years of age. She is resident of village Beekhapali. There was a intimacy between the prosecutrix and applicant. On 28.03.2018 the applicant took away her 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. As per enclosed photocopy of arrest memo, which is a part of charge-sheet in which it has been mentioned that no criminal antecedent reported against the applicant.

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. Accordingly, the bail application is allowed.

9. 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-