

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7631 of 2018**

Aseem Rai, S/o Shri Neel Kamal Rai, aged about 27 years, R/o Village Krishnanagar, P.S. Balrampur, District Balrampur Ramanujganj (CG).
---- Applicant

Versus

State of Chhattisgarh, through Police Station Incharge P.S. Balrampur, District Balrampur Ramanujganj (CG).
---- Non-applicant

For Applicant	: Mr. Bhupendra Singh, Advocate.
For Non-applicant	: Mr. Ashok Kumar Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.12.2018

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.28/2017 registered at Police Station Balrampur, OP Ganesh Mod, District Balrampur Ramanujganj for the offence punishable under Sections 363, 366 (A), 376(2)(N) of IPC and Sections 5(L)(6) of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 02.02.2018, the prosecutrix was aged about 16 years old. She is a resident of village Hiprahi. She and applicant were come in contract through mobile phone. On 02.02.2018 he took her on the pretext of marriage, performed marriage with her and committed sexual intercourse with her due to which she became pregnant.
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 reported against the applicant in police case diary.
6. 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.

7. 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-