

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7752 of 2018**

Paras Nishad, S/o Nandu Nishad, aged about 24 years, R/o Paragaon,
PS. Gobranawapara, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Gobranawapara, Raipur, District
Raipur. **---- Non-applicant**

For Applicant	: Ms. Sunita Sahu, Advocate.
For Non-applicant	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.11.2018

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.46/2018 registered at Police Station Gobranawapara, District Raipur for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 19.02.2018, the age of the prosecutrix was more than 17 years. She is a resident of village Tila. There was a love affair between her and the applicant. He had committed sexual intercourse with her on her own will as a result of which she became pregnant. On 19.02.2018 she left her parental house and joined accompany of him. They performed the marriage in Shiv Temple. She was living with him as his wife.
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 the above mentioned 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. Consequently, 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/-