

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7780 of 2018**

Govinda Chandrawanshi, son of Suresh Chandrawanshi, aged about 23 years, R/o Indori, Police Station Pipariya, District Kabirdham.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Pipariya, District Kabirdham (CG).

---- Non-applicant

For Applicant	: Mr. Devesh Chandra Verma, Advocate.
For Non-applicant	: Mr. Ramakant Pandey, 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.148/2018 registered at Police Station Pipariya, District Kabirdham for the offence punishable under Sections 363, 366 of IPC and Sections 5 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 02.07.2018 the prosecutrix was aged about 15 years old. She is a resident of village Indori. On 02.07.2018 she left her parental house and went to Lucknow for searching work. She was residing with her parental aunt at Lucknow. Her parental aunt sent the prosecutrix along with applicant to her house. No wrong work was done with her.
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/-