

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7791 of 2018**

Sagar Sahni, S/o late Shekhar Sahni, aged about 19 years, R/o Badhaipara, Sahni Mohalla, Nawapara, P.S. Gobra, Nawapara, Raipur, District Raipur (CG).
---- Applicant

Versus

State of Chhattisgarh, through SHO, Police Station Gobra, Nawapara, District Raipur CG).
---- Non-applicant

For Applicant	: Mr. Pushkar Sinha, Advocate.
For Non-applicant	: Mr. Satish Gupta, Govt. Advocate

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.176/2018 registered at Police Station Gobra Nawapara 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 21.07.2018, the age of the prosecutrix was more than 16 years. She is a resident of village Bhoipara Nayapara. On 21.07.2018 the applicant took away her on the pretext of marriage and, thereafter, he committed sexual intercourse 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. As per certified copy of statement of the prosecutrix recorded by the trial Court, which is a part of bail application in which she turned hostile, she has stated in para-2 during examination-in-chief that she had left her parental house on her own will and went to Arang.
7. 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.

8. 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-