

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8215 of 2018

- Krishna @ Krishna Kumar Solwanshi S/o Late Thana Singh Solwanshi Aged About 24 Years R/o Kandrapara ,dongargarh ,district Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Dongargarh District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anil Tawadkar, Advocate.

For Non-applicant : Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board27.11.2018

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 learned counsel for the State in connection with crime No. 355/2018 registered at Police Station – Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 01.08.2017 prosecutrix was more than 17 years old. She is resident of village Dongargarh. Since back 01.08.2017 and onward applicant was committing sexual intercourse with her on pretext of marriage.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the true copy of the statement of the prosecutrix recorded u/s 164 Cr.P.C. she has stated that she used to stroll with applicant. He had committed sexual intercourse on her wish and will. She had lodged report against him under pressure.
7. 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, 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE