HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8760 of 2018

- Sanju Chauhan S/o Late Sunil Chauhan Aged About 24 Years R/o Rambhata ,near Bhola Kirana Shop ,police Station Kotwali , District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali , Raigarh ,district Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. P. Kesharwani, Advocate.
For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.11.2018

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. 359/2018 registered at Police Station – Kotwali , Raigarh ,district Raigarh (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution, in brief is that on 26.10.2017 prosecutrix was more than 16 years. She is resident of Rambhanta Raigarh. There was a love affair between her and the applicant. On 26.10.2017 he took her on pretext of marriage and committed repeated sexual intercourse with her. Thereafter he outsted her.

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. 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.

7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

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