

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8783 of 2018

- Abhishek Josef @ Senti S/o Shri John Herolled Aged About 19 Years R/o Khadanpara, Hathkhoj Para, Utai, P. S. Utai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Utai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri P.P. Patel, Advocate.
For Non-applicant	: Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.11.2018

- 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.
- Perused the case diary provided by the learned counsel for the State in connection with crime No. 476/2017 registered at Police Station – Utai, District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012.
- Case of the prosecution, in brief is that on 17.11.2017 prosecutrix was more than 16 years old. She is resident of village Utai. On 17.11.2017 applicant took her and committed sexual intercourse with her.
- 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.
- On the other hand, learned counsel for the State opposes the bail application and submits that one criminal case under Gambling Act has been registered against the applicant.
- As per the certified copy of the statements of the prosecutrix and her father recorded by the trial Court which are part of the bail petition, both of them turned hostile.
- 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 two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, 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.
- Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE