HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8803 of 2018

- Akram Khan Alias Abdul Rasul S/o Late Abdul Sattar Aged About 23 Years R/o Buddhadev Gali, Tikrapara, P. S. City Kotwali, Tehsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Tehsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shailendra Dubey, Advocate.
For Non-applicant : Mr. Satish Gupta, Government Advocate

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. 342/2017 registered at Police Station – City Kotwali, Tehsil And District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution, in brief is that on 15.08.2017 prosecutrix was more than 16 years. She is resident of Amraiya Chowk Bilaspur. There was a love affair between the applicant and her. On 15.08.2017 he took her on the pretext of marriage and committed sexual intercourse with 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. As per the true copy of the statement of the prosecutrix recorded u/s 164 Cr.P.C. she had left her parental house. They are married. He committed sexual intercourse with her on her wish and will.

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

kishore