

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8842 of 2018

- Khileshwar Kumar Yadu @ Paklu S/o Ashok Kumar Yadu Aged About 20 Years R/o Village- Mohbhata, Thana- Bhatapara, (Gramin) District- Baloda-Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Thana- Bhatapara (Gramin), District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Deepak Jain, Advocate.
For Non-applicant : Mr. S. Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.12.2018

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. 103/2018 registered at Police Station – Bhatapara (Gramin), District- Balodabazar- Bhatapara, (C.G.) for the offence punishable under Sections 363, 366(A), 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 16.05.2018 prosecutrix was below 16 years of age. She is resident of village Gadabhata. They were talking with each other by mobile. On 16.05.2018 she left her house and joined company of the applicant. He took her by enticing on 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 photocopy of the statement of the prosecutrix recorded by the trial Court which is part of the bail applicant she herself had left her parental house.
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