

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8888 of 2018**

Rammilan Nayak, son of Rajaram Nayak, aged about 22 years, Resident of Ward No.11, Aazad Chowk, Rawanbhatha, Police Station Khamtarai, District Raipur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Khamtarai, Civil and Revenue District Raipur .
---- Non-applicant

For Applicant	: Mr. B.L. Sahu, Advocate.
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.12.2018

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 counsel for the State in connection with crime No.303/2018 registered at Police Station Khamtarai, Civil and Revenue District Raipur for the offence punishable under Sections 363, 366, 376(2)($\bar{\epsilon}$) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 24.05.2018, the age of the prosecutrix was more than 16 years old. She is a resident of village Rawanbhatha. There was friendship between her and the applicant. She proposed to the applicant to marry with her, which was accepted by him. On 24.05.2018 she left her parental house and joined the company of the applicant. He committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. As per enclosed true copy of statement of prosecutrix recorded under Section 164 of CrPC, the physical relations were done with her by the

applicant with her own will. Prior to it, they performed the marriage.

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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.
8. 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-