

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9122 of 2018

- Chhotu Lohar S/o Shri Goverdhan Lohar Aged About 20 Years R/o Village Gersa ,police Station Lundra District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Lundra, district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sumit Shirvastava, Advocate.
For Non-applicant : Mr. S. Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.12.2018

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. 86/2018 registered at Police Station – Lundra, district Surguja (C.G.) for the offence punishable under Sections 363, 366, 376(2)(a), 368, 114, 115/34 of the Indian Penal Code and Sections 4, 17 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 21.05.2018 prosecutrix was more 16 years of age. She is resident of village Askala. On 21.05.2018 applicant took her on pretext of marriage. He committed repeated sexual intercourse with her. They had resided for a month in the house of maternal uncle of applicant.
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. Applicant had committed sexual intercourse on her consent.
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