

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 20 of 2019

- Ramgopal S/o Shri Sunder Panika Aged About 21 Years R/o Village - Rojhi, P.S. Kelhari, District Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Kelhari, District Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Jitendra Shrivastava, Advocate.
For Non-applicant	: Mr. S. Mishra, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.01.2019

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. 33/2018 registered at Police Station – Kelhari, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 376(2) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and 3(2-5) of SC/ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 09.05.2018 prosecutrix was below 15 years of age. She is resident of village Dad Hasbari. During 2017 to 09.05.2018 applicant had committed forcible sexual intercourse with her. On 09.05.2018 she took her on pretext of marriage and committed repeated 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 by the trial Court she turned hostile. She had stated that nothing was happened with her. Applicant has not committed anything with her. Her mother had scold her, thus she had gone to Manendragarh. Applicant had advised her and told that she should go to her parental house, but she refused, thereafter she went along with applicant in village Rojhi. Her mother had refused to keep her, thus, she started to live in the house of the applicant.
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