

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 19 of 2019**

Kishor Soni, S/o Sohanlal Soni, aged about 25 years, R/o Ward No.24,
Sonarpara, Rajnandgaon, District Rajnandgaon (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Devri, District Balod (CG).
---- Non-applicant

For Applicant	: Mr. Samir Singh, Advocate.
For Non-applicant	: Mr. I. Lakra, Dy.G.A.

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 counsel for the State in connection with crime No.73/2018 registered at Police Station Devri, District Balod for the offence punishable under Sections 363, 376 of IPC and Sections 4, 5(L)/6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 14.07.2018, the age of prosecutrix was below than 15 years. She is a resident of village Faradphor. On 14.07.2018, the applicant committed sexual intercourse with her. On 20.08.2018 he took her by enticing and again he committed 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 certified copy of statement of prosecutrix recorded by the trial Court, which is a part of bail application she turned hostile and stated that the applicant has not committed any act with her and he had not took away her, she herself was roaming with him.

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/-