

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 64 of 2019**

Jeetu Thakur, S/o late Shri Dwarika Prasad Thakur, aged about 24 years, R/o village Dundera, P.S. Utai, Tahsil and District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Utai, Tahsil and District Durg (CG).

---- Non-applicant

For Applicant	: Mr. Prasoon Agrawal, Advocate.
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

24.01.2019

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.368/2017 registered at Police Station Utai, Tahsil and District Durg for the offence punishable under Sections 363, 366, 376 of IPC and Sections 5 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 03.10.2017 the age of the prosecutrix was more than 16 years old. She is a resident of village Dundera. There was love affair between her and the applicant. He took her by enticing on the pretext of marriage and committed sexual intercourse with her. She gave a birth of baby.
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 however he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per true copy of statement of prosecutrix recorded under Section 164 of CrPC, she has stated that she and the applicant had gone to Karnataka, where they performed the marriage and he has not committed any forcible act

with her and she has started her marital life with him on her own will and wish.

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/-