

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 100 of 2019**

Bhanupratap, son of Shiv Dayal Manikpuri, aged about 20 years, R/o Sukh Shantipara, Bodsara, Police Station Chakarbhatta, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Sakri, District Bilaspur (CG).

---- Non-applicant

For Applicant	: Ms. Nirupama Bajpai, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer
For Informant	: Mr. Suresh Tandon, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.03.2019

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.149/2018 registered at Police Station Sakri, District Bilaspur for the offence punishable under Sections 363, 366, 376(2)(a) of IPC and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 18.05.2018 the prosecutrix was below 16 years of age. On 18.05.2018 the applicant took her by enticing on the pretext of marriage. He had committed repeatedly sexual intercourse with her as a result of which she became pregnant.
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 bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Counsel for the informant submits that he is in favour of applicant for releasing him on bail.
7. As per true copy of statement of the prosecutrix recorded under Section 164 of CrPC, she had performed the marriage with the applicant voluntarily and she went with him on her own will and he had not committed any forcefully act with her.
8. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-