

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 329 of 2019**

Bamleshwar @ Chhotu Ghasiya, S/o Shri Dharampal, aged about 19 years, R/o Village Bouripara, Shikari Road, Ambikapur, District Surguja (CG).

---- Applicant**Versus**

State of Chhattisgarh, through S.H.O. Police Station Ambikapur, District Surguja (CG).

---- Non-applicant

For Applicant	: Mr. Nishi Kant Sinha, Advocate.
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

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.346/2017 registered at Police Station Ambikapur, District Surguja for the offence punishable under Sections 363, 366, 376(2)(n), 323 of IPC and Sections 5L/6, 5(J)(ii)/6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 19.06.2017, the prosecutrix was more than 17 years of age. She is a resident of village Shikari Road, Bouripara, District Surguja. There was love affair between her and the applicant. On 19.06.2017 he took her by enticing on the pretext of marriage and 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 bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per certified copy of statement of prosecutrix recorded under Section 164 of CrPC, she has stated that she herself joined the company of the applicant.
7. As per photocopy of statement of the prosecutrix recorded by the trial Court, she turned hostile.
8. Looking to the above facts and circumstances of the case, the bail application is allowed. 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/-