

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 297 of 2019

- Harnarayan @ Chhotu @ Suraj Kashyap S/o Shri Ramsajivan Kashyap Aged About 22 Years R/o Village Betari, Police Station Masturi, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kawardha Civil And Revenue District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. P.M. Shriwas,, Advocate.
For Non-applicant	: Mr. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.04.2019

1. The informant- Dheluram is absent, though notice has been served on him for the fix date of 26.03.2019. On 26.03.2019 also he was absent.
2. 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.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 616/2018 registered at Police Station – Kawardha Civil And Revenue District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 1.12.2018 prosecutrix was below 16 years of age. She is resident of village Jaitpuri. There was a love affair between her and applicant. On 01.12.2018 he took her by enticing and committed repeated sexual intercourse with her. As per the true copy of the statement of the prosecutrix recorded u/s 164 Cr.P.C. she had stated that on 01.12.2019 she was going to Bilaspur. He had not committed any wrong with her .
5. 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.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against 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