

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 312 of 2019**

- Ramlakhan @ Lakhan Singh S/o Kamleshwar Singh Aged About 20 Years R/o Basera Gouroti Para, Chowki Dindo, Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chowki Dindo, Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh

----Non Applicant

For the Applicant : Shri Bharat Lal Dembra, Advocate

For Non Applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.04.2019**

1. Informant prosecutrix is absent none present on behalf of her.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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.12/2018 registered at Police Station- Outpost- Dindo, Police Station- Trikunda, District- Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 376(d), 354 of Indian Penal Code and Sections 4, 6 & 8 of Protection of Children From Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 11.04.2018 at about 18:00 to 20:00 hours at village Baserakhurd, applicant and coaccused Lalman caught hold prosecutrix, and committed forcible sexual intercourse with her one by one.
5. In the statement of prosecutrix recorded under Section 164 CrPC it has been mentioned that applicant and coaccused Lalman had not committed any wrong act with her.
6. As per the statement of the prosecutrix, his father, dated 24.09.2018 recorded by trial Court which are the part of the bail petition they turned hostile. Prosecutrix had stated that applicant had not committed anything with her.
7. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
9. Looking to the above 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul