

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 504 of 2019**

Vikash Namdev, S/o Daulal Namdev, aged about 24 years, R/o Ganesh Chowk nearby Khediya Pond, Dhamtari, District Dhamtari (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari(CG). **---- Non-applicant**

For Applicant	: Mr. Anil Gulati, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.02.2019

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.355/2018 registered at Police Station City Kotwali, Dhamtari, District Dhamtari for the offence punishable under Sections 363, 376, 506 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 09.11.2017, the prosecutrix was aged about 16 years old. In the month of November, 2017, the applicant took her by enticing on the pretext of marriage and committed forcibly sexual intercourse with her. In the month of February, 2018, he again 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 true copy of statement of the prosecutrix recorded under Section 164 of CrPC, there was love affair between her and the applicant. In the month of November, 2017, she herself went alongwith him and she wants to marry with him.
7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-