

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 388 of 2019**

Laxminarayan Koshle, S/o Dharamdas Koshle, aged about 19 years, R/o Telasi,
Police Station Palari, District Baloda Bazar-Bhatapara (CG) ---- **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kharora,
District Raipur (CG). ---- **Non-applicant**

For Applicant : Mr. B.L. Sahu, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

04.02.2019

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.427/2018 registered at Police Station Kharora, District Raipur for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 13.11.2018, the prosecutrix was more than 17 years of age. She is a resident of village Udsena. On 13.11.2018, the applicant took her on the pretext of marriage and committed repeatedly 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 enclosed photocopy of statement of the prosecutrix recorded under Section 164 of CrPC, she and applicant have already performed the marriage. He committed sexual intercourse with her on her own will.
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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.
8. 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/-