

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 481 of 2019**

Omkar Khandey, son of Buchcha Khandey, aged about 25 years, R/o village Bedapara, Police Station Lormi, District Mungeli (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Kukdur, District Kabirdham (CG).

---- Non-applicant

For Applicant	: Mr. Devesh Chandra Verma, Advocate.
For Non-applicant	: Mr. Wasim Miyan, 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.77/2018 registered at Police Station Kukdur, District Kabirdham for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 18.09.2018 the prosecutrix was more than 17 years old. She is a resident of village Charbhatha, District Kabirdham. She and applicant were in contract with each other through mobile. On 18.09.2018, the applicant took her by enticing on the pretext of marriage. He 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 true copy of statement of the prosecutrix recorded under Section 164 of CrPC she had called the applicant at Pandariya and she went with him on her own will. In Ambikapur, they performed the marriage.
7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-