

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 473 of 2019**

Sonadhar Nag, son of late Lakhamu Nag, aged about 26 years, Caste Dhurva,  
R/o Village Perampara, Tahsil and P.S. Tongpal, District Sukma (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Tongpal,  
District Sukma (CG).

**---- Non-applicant**


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| For Applicant     | : Mr. Praveen Dhurandhar, Advocate. |
| For Non-applicant | : Mr. Ashutosh Pandey, Panel Lawyer |

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

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**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.24/2016 registered at Police Station Tongpal, District Sukma for the offence punishable under Sections 363, 366, 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 13.09.2016, the prosecutrix was aged about 17 years old. She is a resident of village Laida. On 13.09.2016 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. 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.
7. 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**