

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 472 of 2019**

Hitesh Chandra, S/o Shri Rajkumar Chandra, aged about 19 years, R/o Khamhardih, Thana Jaijaipur, District Janjgir Champa (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Kartala, District Korba (CG).

---- Non-applicant

For Applicant	: Mr. Pawan Kumar Sharma, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

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.56/2018 registered at Police Station Kartala, District Korba for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 23.08.2018, the prosecutrix was more than 16 years of age. At the time of alleged incident, she was resident of village Kartala. There was love affair between her and the applicant. On 22.08.2018 she told him by telephone that if he would not come to take her then she will commit suicide. On 23.08.2018 she again called him. She had gone with the applicant to Tamil Nadu and where they performed the marriage. Thereafter, he committed sexual intercourse with her on her own will and wish.
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, 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)

JUDGE

L/-