

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 670 of 2019

- Aamin Ahmad S/o Kadir Ahmad Qureshi Aged About 23 Years Beside Tirupati Apartment, Mukht Nagar, Outpost Padmanabhpur, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Durg, Outpost Padmanabhpur, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. T.K. Jha, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta Order On Board

14.02.2019

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 learned counsel for the State in connection with crime No. 865/2018 registered at Police Station – Outpost Padmanabhpur, Durg District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 5, 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 20.10.2018 prosecutrix was more than 16 years of age. She is resident of Padmanabhpur. She was liking applicant, she had gone along with him for roaming. On 20.10.2018 he took her by enticing. He committed sexual intercourse with her in pretext of marriage.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the true copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had joined the company of the applicant voluntarily. He had not done any wrong with her.
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, 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE