

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.767 of 2019**

Sikandar Jagat, S/o Shri Ahibaran Jagat, aged about 26 years, R/o Aarkshi Nagar, Dera Mohalla, Farid Nagar, Supela Bhilai, District Durg (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Supela, District Durg (CG).
---- Non-applicant

For Applicant : Mr. Rahil Kochar, Advocate.
 For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.213/2018 registered in Police Station Supela, District Durg for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act.
3. Prosecution story in brief is that on 28.02.2018, the prosecutrix was more than 17 years of age. On 28.02.2018, the applicant took her by enticing on the pretext of marriage and committed sexual intercourse with her.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. Counsel for the State opposed the bail application. He submitted that two other criminal cases, out of which, one case under IPC and one case under Excise Act have already been registered against the applicant in police case diary.
6. As per true copy of statement of the prosecutrix recorded under Section 164 of CrPC, she and applicant were liking to each other. She was going for roaming with him on her own will. They performed the marriage in the temple.
7. Looking to the above mentioned facts and circumstances of the case, the bail application is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- 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/-