

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 882 of 2019**

Suraj Kumar Dhiwar, son of Sewakram, aged about 24 years, R/o Madwa, Police Station Kharora, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kharora, District Raipur (CG). **---- Non-applicant**

For Applicant	: Ms. Sunita Sahu, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19.02.2019

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.50/2018 registered at Police Station Kharora, District Raipur for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 28.01.2018, the prosecutrix was more than 16 years of age. She is a resident of village Modpar. On 28.01.2018, the applicant took her by enticing on the pretext of marriage and put vermilion on her forehead at Banjaridhaam and 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 enclosed photocopy of affidavit of the prosecutrix, which is a part of bail application, she is living with the applicant on her own will. She and applicant have already performed marriage.
7. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-