

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1013 of 2019

- Vishal Kumar Nirala @ Ghonchu S/o Loknath Nirala Aged About 21 Years R/o Otgan, P. S. Bhatgaon, District Baloda Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, District Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. GR Miri, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.02.2019

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. 738/2018 registered at Police Station – Kotwali, District Korba (C.G.) for the offence punishable under Sections 363, 366-A, 376 (2)(N), 506 of the Indian Penal Code and Sections 5 (घ) / 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is more than 17 years of age. She is resident of village Sonpuri. Prosecutrix and applicant were familiar with each other. They had done sexual intercourse twice. On 27.09.2018 about 11 pm applicant took her by enticing in his house where she lived for 3 days.
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. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE