

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1054 of 2019**

- Jaynath Nag S/o Manglu Nag Aged About 24 Years R/o Jadi Para, Village Kumhli, Police Station Bhanpuri, District - Bastar Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Puspall, District - Sukma Chhattisgarh

----Non Applicant

For the Applicant	:	Shri Vikash A. Shrivastava, Advocate
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For Non Applicant	:	Shri SRJ Jaiswal, Panel Lawyer
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Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**08.04.2019**

1. Notice has been served to informant Mohan Kashyap but neither he is present nor on behalf of him anybody is present.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.05/2018 registered at Police Station- Puspall, District- Sukma (C.G.) for the offence punishable under Sections 363, 366, 344, 376 of Indian Penal Code and Section 4 of Langik Apradhon Se Balkon Ka Sanrakshan Adhiniyam 2012.
4. Case of the prosecution, in brief is that on Feb, 2018 prosecutrix was below 14 years of age. She is resident of Talanar. On Feb, 2018 at about 4 am applicant took her forcefully, thereafter he committed repeatedly sexual intercourse with her on pretext of marriage.
5. As per the certified copy of the statement of the prosecutrix dated 24.09.2018 recorded by trial Court, she turned hostile and stated that applicant had not committed any wrong act with her.
6. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
8. Looking to the above 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul