

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1121 of 2019

- Dharam Yadav S/o Akhal Bihari Bajpayee Aged About 24 Years R/o Atal Bihari Bajpayee Ward, Dharampura, No. 1 Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Nagarnar District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Akash Pandey, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta Order On Board

27.2.2019

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. 71/2018 registered at Police Station – Nagarnar District- Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 18.04.2018 prosecutrix was more than 17 years of age. She is resident of village Nagarnar. There was a love affair between the prosecutrix and applicant. On 18.04.2018 he took her by enticing on pretext of marriage. Thereafter, he committed repeated sexual intercourse with her on 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 eloped with applicant. Sexual intercourse was committed on her wish and will.
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