

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1119 of 2019

- Aakash Thakur S/o Hirendra Thakur Aged About 20 Years R/o Changora Bhata Ganpati, P. S. D. D. Nagar, At Present R/o Geetanjali Nagar, Sector-1, Behind Dr. Deshpande House, Durga Chowk, P. S. Civil Line, Raipur District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Raipur District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Yogesh Pandey, Advocate.
For Non-applicant	: Mr. SRJ Jaiswal, Panel Lawyer

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

26.02.2019

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.730/2018 registered at Police Station – Civil Line, Raipur District (Revenue And Civil) Raipur (C.G.) for the offence punishable under Sections 376, 506B, 509 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 30.08.2018 prosecutrix was more than 17 years of age. She and applicant were in contact with each other by mobile. Applicant told her that he will marry with her. He had demanded her naked photos. She had whatapps her naked photographs in the mobile of applicant. On 30.08.2018 applicant called her in house of his grand father and grand mother at Gitanjali Nagar. Applicant took her in the house of his friend Raju and committed sexual intercourse with her on pretext of marriage. On 06.11.2018 he and his maternal uncle Ravi Thakur viral the photographs in whatsapp group.
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