

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1385 of 2019**

- Sanju Kumar Bhagat @ Sanju Ram S/o Layuram Aged About 22 Years R/o Village - Kamarima, Police Station Bagicha, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Of Police Station Sanna, District Jashpur Chhattisgarh

---- Non Applicant

For the Applicant : Shri Govind Dewangan, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13.03.2019**

1. 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.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 50/2018 registered at Police Station- Sanna, District- Jashpur (C.G.) for the offence punishable under Sections 363, 366-A and 376 of Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 27.08.2018 prosecutrix was more than 16 years of age. She is resident of village Laranga. On 27.06.2018 applicant took her on pretext of the marriage and committed repeatedly sexual intercourse with her. As per the true copy of the statement of the prosecutrix recorded under Section 164 CrPC, she had stated that she had gone with applicant voluntarily, sexual intercourse was done with her wish and will. As per the certified copy of the statement of the prosecutrix dated 26.11.2018 recorded by trial Court which is part of the bail petition she had stated that applicant had not committed any act with her.
4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Looking to the 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 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

Parul