

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1349 of 2019**

Alakh Niranjana Yadav @ Alakh Kumar, aged about 20 years, son of Shri Jaiprakash Yadav, R/o Village Nawadih (Peeparpara), Police Station Trikunda, District Balrampur Ramanujanj (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Trikunda, District Balrampur Ramanujanj (CG). **---- Non-applicant**

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.03.2019**

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 counsel for the State in connection with crime No.52/2018 registered at Police Station Trikunda, District Balrampur Ramanujanj for the offence punishable under Sections 363, 366, 376, 506 of IPC and Sections 4, 5(M), 9(L) of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 25.09.2018, the prosecutrix was more than 16 years of age. On 25.09.2018 in the night, the applicant had called her and behind the house, he committed sexual intercourse with her by enticing on the pretext of marriage.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per statement of the prosecutrix recorded by the trial Court on 04.02.2019, which is a part of bail application she had stated in the examination-in-chief that both she and applicant were agreed to perform the marriage, but her father was not ready for their marriage hence her father lodged the report against him. He had not committed sexual intercourse with her on the pretext of marriage.
7. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-