

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1466 of 2019**

- Durgesh Sen S/o Shri Ram Lal Sen Aged About 19 Years R/o Village Bartunga, Police Station And Tahsil - Pithoura, Police Station And Tahsil - Pithoura, District - Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithoura, District Mahasamud Chhattisgarh

.....Non Applicant

For the Applicant : Shri Sumit Shrivastava, Advocate

For Non Applicant : Shri Apruv Goyal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14.03.2019**

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.179/2018 registered at Police Station- Pithoura, District- Mahasamund (C.G.) for the offence punishable under Sections 363, 376 of Indian Penal Code and Section 4 of Protection of Children's from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 22.08.2018 prosecutrix was more than 17 years of age. She is resident of village Bartunga. On 22.08.2018 applicant was in drunken condition. He took her by saying that after roaming they will return back. On the way in the forest he committed forcible sexual intercourse with her. When they were returning back, her family members met them at village Potapa. After seeing her family members, the applicant ran away.
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