

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1365 of 2019**

Rai Singh (Rajbahadur), son of Mohar Lal Singh, aged about 19 years, R/o Village Ara, Balrampur, Police Chowki, Bario, P.S. Rajpur, District Balrampur Ramanujanj (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Chowki Bario, P.S. Rajpur, District Balrampur Ramanujanj (CG). **---- Non-applicant**

For Applicant	: Mr. Ram Narayan Sahu, Advocate.
For Non-applicant	: Mr. Vinod Tekam, 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 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.183/2018 registered at Police Station Police Chowki Bario, P.S. Rajpur, District Balrampur Ramanujanj for the offence punishable under Sections 342, 366(A), 368, 376(2)(a), 506, 323 of IPC and Sections 5(a) & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that in the month of November, 2017, the prosecutrix was more than 16 years of age. She is a resident of village Asnahiyapara. From the month of November, 2017 onwards, the applicant committed repeatedly sexual intercourse with her on the pretext of marriage as a result of which she became pregnant and gave a birth of female child. The present applicant is her brother-in-law. On 19.10.2018, she had left the applicant's house and she also left her newly born female child in the applicant's house. The newly born girl was handed over in the custody of Sewa Bharati Matrachhaya, Ambikapur. On 04.11.2018, the said child was died. As per postmortem report, the death of the child was natural.
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 prayer for grant of bail to the applicant, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-