

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1673 of 2019**

- Gulshan Dewangan S/o Shri Ghanshyam Dewangan Aged About 21 Years R/o Village Dondekhurd, Police Station Vidhan Sabha, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Vidhan Sabha, District Raipur Chhattisgarh

----Non Applicant

 For the Applicant : Shri J.K. Gupta, Advocate

 For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18.04.2019**

1. Informant Kewal Chandra Diwar absent. His notice received with this indorsement that he does not reside there.
2. 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.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.252/2018 registered at Police Station- Vidhan Sabha, District- Raipur (C.G.) for the offence punishable under Sections 363, 366, 376(2)I of Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that on 02.07.2018 prosecutrix was below 13 years of age. Applicant had committed sexual intercourse with her, on 02.07.2018 he took her. As per the true copy of the statement of the prosecutrix recorded under Section 164 CrPC applicant had not taken her and not committed anything with her. As per the certified copy of the statement of the prosecutrix recorded by trial Court, which is the part of the bail application she turned hostile and had stated that applicant had not committed anything with her.
5. 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.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
7. 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, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

 (Sharad Kumar Gupta)
 Judge

Parul