

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1604 of 2019

- Nilkamal Verma S/o Santosh Verma Aged About 22 Years R/o Village - Chourenga, Police Station Simga, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Simga, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shashank Thakur, Advocate.

For Non-applicant : Mr. SRJ Jaiswal, Panel Lawyer

For Informant : Ms. Upasna Mehta, Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board29.04.2019

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 learned counsel for the State in connection with crime No. 39/2018 registered at Police Station – Simga, District – Balodabazar Bhatapara (C.G.) for the offence punishable under Sections 363, 366(A), 376 of the Indian Penal Code and Sections 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 06.02.2018 prosecutrix was below 15 years of age. There was a love affair between her and applicant. On 06.02.2018 applicant took her to Pune. They performed marriage in a temple, thereafter he committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicant submits that the 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, he submits that there is no antecedent against the applicant.
6. Counsel for the informant submits that she has no objection on releasing the applicant on bail.
7. As per the photocopy of the statement of the prosecutrix recorded under Section 164 Cr.P.C., she had stated that she has no relation with the applicant and no incident had happened with her.
8. Looking to these 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 the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE