

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1630 of 2019**

- Bhupendra Devdas @ Raja Gandharv S/o Rajju Aged About 22 Years R/o Village Kesali, P. S. Suhela, District Balodabazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraswati Nagar, Raipur District Raipur Chhattisgarh

.....Non Applicant

For the Applicant : Shri Sudhir Sahu, Advocate

For Non Applicant : Shri Apurv Goyal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.03.2019**

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. 04/2019 registered at Police Station- Sarswati Nagar, District- Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 20.11.2018 prosecutrix was more than 16 years of age. She is resident of Raipur. On 03/01/2019 applicant took her by enticing on the pretext of marriage and committed forcible sexual intercourse with her. As per the statement of the prosecutrix recorded under Section 161 CrPC, the applicant took her by enticing on pretext of the marriage and they lived in Pune as husband and wife.
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 criminal antecedent against the applicant in police case diary.
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. He shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul