

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1778 of 2019**

- Dushyant Deep S/o Vignesh Deep Aged About 19 Years Caste- Gada, R/o Village Baidpali, Thana And Tahsil Saraipali, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Saraipali, Disrtict- Mahasamund, Chhattisgarh

.....Non Applicant

For the Applicant : Shri S.S. Rajput, Advocate

For Non Applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28.03.2019**

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.469/2018 registered at Police Station- Saraipali, District- Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 23.12.2018 prosecutrix was more than 16 years of age. She is resident of village Baidhpali. There was the love affair between her and applicant on 16.12.2018 he took her on pretext of the marriage and committed repeatedly sexual intercourse with her. As per the statement of the prosecutrix recorded under Section 164 CrPC, sexual intercourses have done on her wish and will.
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