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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1783 of 2019

- Aditya Dili S/o Shri Chhannu Dili Aged About 18 Years R/o Amapara, Baniyapara, Dhamtari, P.S. City Kotwali, District- Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station City Kotwali, District- Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh
2. Prakash Kumar Valmiki S/o Lachchhuram Valmiki Aged About 44 Years R/o Gadhdhapara, Vindhwasini Ward, Dhamtari, P.S. City Kotwali, District- Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Non-applicants

For Applicant : Ms. Varsha Sharma, Advocate.
For Non-applicant : Mr. V. Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.04.2019

1. Informant Prakash Kumar Valmiki is absent though notice has been served to him.
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. 394/2018 registered at Police Station – City Kotwali, District - Dhamtari (C.G.) for the offence punishable under Sections 363, 366, 376-2, 342, 506-B of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 30.08.2018 prosecutrix was below 15 years of age. She is resident of Dhamtari. She and applicant had liking for each other. Applicant had committed sexual intercourse with her. On 30.08.2018 applicant took her by enticing. Thereafter, he committed repeated sexual intercourse with her.
5. 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.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. As per the statement of the prosecutrix recorded u/s 164 Cr.P.C. she had stated that she had gone to the house of the applicant. The family members of the applicant had told her that she shall go to her house but she refused.
8. As per the true copy of the statement of the prosecutrix dated 24.12.2018 recorded by trial Court, she turned hostile and did not support prosecution case. She had denied that applicant had committed sexual intercourse with her and committed again repeatedly sexual intercourse with her.
9. 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.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

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