

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1937 of 2019

- Jhaman Verma S/o Shri Dhukham Verma Aged About 28 Years R/o Rajkudi, Police Station And District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. VA Goverdhan, Advocate.
For Non-applicant	: Mr. SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.04.2019

- 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.
- Perused the case diary provided by the learned counsel for the State in connection with crime No. 803/2018 registered at Police Station – Bemetara, District - Bemetara (C.G.) for the offence punishable under Sections 363, 366-A, 376 /34 of the Indian Penal Code and Section 4 / 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, 1989.
- Case of the prosecution, in brief is that on 24.12.2018 prosecutrix was more than 16 years age. She is resident of village Bhurki. She and applicant were talking with each other by mobile. She had intimated applicant by mobile that she will go to see dance program at Guru Ghashidas Jayanti celebration. On 24.12.2018 at about 4 am she had gone for toilet towards pond alone. Applicant reached there, pressed her mouth and took near the motorcycle where coaccused Lala Yadav was present. Applicant forcibly made her to sit on motorcycle, motorcycle was being driven by coaccused Lala Yadav. Applicant took her in his house where he committed sexual intercourse with her on pretext of marriage.
- 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.
- On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
- 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.
- Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE