

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2024 of 2019**

- Domar Sahu @ Sonu S/o Late Ramchandra Sahu Aged About 21 Years R/o Raipura Near Rammurti, Sheetalpara, Near Anil Tailors, D. D. Nagar, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Amleshwar District Durg Chhattisgarh

.....Non Applicant

For the Applicant : Shri Sanjay Kumar Agrawal, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.04.2019**

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. 09/2019 registered at Police Station- Amleshwar, District- Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4, 5 (a)/6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 24.01.2019, prosecutrix was more than 17 years of age. She is resident of village Kopadih, District Durg. Three/ four months prior to 24.01.2019 onwards till 28.01.2019, the applicant committed repeatedly sexual intercourse with her. Both were talking with each other through mobile. On 24.01.2019, he took her by enticing on pretext of the marriage. On 25.01.2019, they performed the marriage in Arya Samaj Temple and, thereafter, he committed repeatedly sexual intercourse with her.
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, he submits that there is no criminal antecedent against the applicant is reported in police case diary.
6. As per enclosed true copy of the statement of the prosecutrix recorded under Section 164 CrPC she had stated that she had joined the accompany of applicant voluntarily and he had not committed any wrong act with her forcefully.
7. 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, the bail application is allowed. 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul