

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2130 of 2019**

- Sushil Jaishwal @ Mayank Jaiswal S/o Santosh Jaishwal Aged About 19 Years R/o Village Pashid Mangala, P. S. Bilha, District Bilaspur Chhattisgarh Present Address House Of Mukesh Singh Near I Vijan Office Mova Raipur P. S. Mova District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pathariya District Mungeli Chhattisgarh

.....Non Applicant

 For the Applicant : Shri Akath Kumar Yadav, Advocate

 For Non Applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10.04.2019**

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.105/2019 registered at Police Station- Pathariya, District- Mungeli (C.G.) for the offence punishable under Sections 363, 366 & Under Section 8 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 13.03.2019 prosecutrix was below 16 years of age. She is resident of village Gandhirwadhi. On 13.03.2019 she had gone to Pukeli Bus Stand on calling of applicant. Thereafter, he took her on his work place. As per true copy of the statement of the prosecutrix recorded under Section 164 CrPC she and he had liking for each other. On 13.03.2019 she board on a bus, in that bus, applicant was already present. Applicant had told her that she got down from the bus, but she went along with him to village Sargaon he had told her that he will leave her in her house but she refused to go in her house.
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