

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2195 of 2019

Shivam Goswami, S/o Takeshwar Goswami, aged about 20 years, R/o Dhourabhata (Kapalfodi), Police Station Magarlod, District Dhamtari (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Kurud, District Dhamtari (CG).

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.05.2019**

1. Informant Dhanesh Nishad is absent, though notice has been served upon him on 29.04.2019.
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 counsel for the State in connection with crime No.19/2019 registered at Police Station Kurud, District Dhamtari for the offence punishable under Section 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that on 15.1.2019 the prosecutrix was below 16 years of age. She is resident of village Sirsida. On 15.01.2019 at about 9:00 a.m. in village Sirsida, applicant committed forcibly sexual intercourse with her.
5. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
7. As per certified copy of statement of prosecutrix recorded by the trial Court, which is a part of bail application, she turned hostile and did not support the prosecution case. She did not say in her statement that the applicant had committed forcibly sexual intercourse with her.
8. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-