

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2410 of 2019

- Yashwant S/o Shri Ganpat Khadiya Aged About 22 Years R/o Village Boirdih, Police Station And Tahsil Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Shri M.K. Jaiswal, Advocate.
For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.05.2019

1. Informant Lambodar Prasad absent though notice served upon 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. 814/2018 registered at Police Station – Sarangarh District - Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 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 12.11.2018 prosecutrix was below 16 years of age. She is resident of village Boirdih. She and applicant had liking for each other. On 12.11.2018 applicant had committed forcible sexual intercourse with her. On 29.11.2018 applicant took her by enticing on pretext of marriage and committed 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 photocopy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had stated that she absconded voluntarily. She had not stated anything regarding sexual intercourse committed by the applicant.
8. Looking to the above mentioned 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE