

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2418 of 2019

- Vijay Kumar Chandra @ Babbu @ Shivam S/o Shri Balak Das Chandra Aged About 21 Years Caste Mahra, R/o Nimha (Majhouli, Police Station Ram Nagar, District Anuppur Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer - Police Station Podi, District Korea Chhattisgarh

.....Non Applicant

For the Applicant : Shri Sumit Singh Rathore, Advocate on behalf of Ms. Hamida Siddiqui, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board16.04.2019

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.152/2018 registered at Police Station- Podi, District- Korea (C.G.) for the offence punishable under Sections 363, 366, 376(2) (ए) (ब), 342 of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 02.12.2018 prosecutrix was more than 16 years of age. She is resident of village Nagpur and Simra. On 02.12.2018 applicant took her by enticing on pretext of the marriage and committed repeatedly sexual intercourse with her. As per the certified copy of the statement of the prosecutrix which is the part of the bail application she had stated that her father had scold her thus, being annoyed she had gone in village Bhadkotma to the house of her aunt.
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