

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2491 of 2019

- Basant Ekka S/o Helariyus Ekka Aged About 20 Years Caste Uroan, R/o Village Kharijhari, Police Station Kunkuri, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tapkara, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Manoj Chauhan, Advocate.
For Non-applicant	: Mr. Vikram Dixit, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.04.2019

1. 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.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 75/2018 registered at Police Station – Tapkara, District – Jashpur (C.G.) for the offence punishable under Sections 376, 493 of the Indian Penal Code and Sections 4, 5 (३), 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 22.04.2017 Prosecutrix was more than 17 years old. She is resident of village Singibahar. On 22.04.2017 he took her by enticing for roaming thereafter he committed repeatedly sexual intercourse with her on the pretext of marriage.
4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. Looking to these 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.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE