

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2572 of 2019

- Govind Banjare S/o Premsingh Banjare Aged About 25 Years R/o Village Achholi, Police Station Palari, District (Revenue And Civil) Balodabazar Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kasdol District (Revenue And Civil) Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Sumit Jhanwar, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.04.2019

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. 28/2019 registered at Police Station – Kasdol Chowki Sonakhan District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 04 and 08 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 01.01.2019 prosecutrix was more than 16 years old. She is resident of village Bilari. On 01.01.2019 she had called applicant at Balarbandh Chowki Sonakhan, thereafter they went to Bhatapara and started to live in a rented house. Applicant committed repeatedly sexual intercourse with her. He had not committed any forcible act with her.
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