

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2628 of 2019**

Khamhan Lal Sahu @ Vivek, son of Dhaniram Sahu, Caste Teli, aged about 25 years, R/o Gidpuri, Bhathapara, Balodabazar, Police Station Gidpuri, District Balodabazar Bhatapara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Jamul, District Durg (CG). **---- Non-applicant**

For Applicant : Mr. S.K. Agrawal, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.05.2019

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 counsel for the State in connection with Crime No.07/2019 registered at Police Station Jamul, District Durg for the offence punishable under Sections 363, 366, 376 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 06.01.2019, the prosecutrix was more than 16 years of age. She is resident of Ghasinagar, Bhilai. There was love affair between her and applicant. On 06.01.2019 he took her by enticing on the pretext of marriage and committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submitted 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.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above facts and circumstances of the case, the 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-