

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2647 of 2019**

- Bhagwat Namdeo S/o Dauram Namdeo Aged About 37 Years R/o Kundarapara, Tifra, Police Station- Sirgitti, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sirgitti, District- Bilaspur, Chhattisgarh

----Non Applicant

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Non Applicant	:	Shri Ashutosh Pandey, 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 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.93/2019 registered at Police Station- Sirgitti, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 18.03.2019 prosecutrix was more than 17 years of age. She is resident of Kundarapara, Tifra, Bilaspur. Applicant is her brother-in-law. On 18.03.2019 applicant took her and committed sexual intercourse with her.
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. As per the affidavits of prosecutrix and her father Chandrapal Verma which are the part of the bail application they have no objection in releasing the applicant on bail.
7. 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, the bail application is allowed, 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul