

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2658 of 2019**

- Vijay Dhumketu S/o Naresh Dhumketu Aged About 23 Years R/o Shankar Nagar, Talapara Police Station Civil Line, Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh

----Non Applicant

For the Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Non Applicant	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.06.2019**

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.169/2019 registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Section 376 of Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that 7-8 months prior to 08.03.2019 prosecutrix was more than 16 years of age. She is resident of Ratanpur. Seven-Eight months prior to 08.03.2019 applicant took her by pulling in his house and committed forcible sexual intercourse with her. He repeatedly committed sexual intercourse with her on next two days. Thereafter he repeatedly committed sexual intercourse with her. They used to meet at garden

of Mahamaya temple, she became pregnant by 6 months.

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 may 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 alleged Samjhotanama which is the part of the bail petition there was love affair between prosecutrix and applicant.
7. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available on record against the applicant, 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 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 be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul