

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2738 of 2019**

Kumeshwar Netam, son of Bhuwan Netam, aged about 23 years, R/o Village Singarpur, Police Station Dongargaon, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Lalbag, District Rajnandgaon (CG).

---- Non-applicant

For Applicant	: Mr. Goutam Khetrapal, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.05.2019

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.322/2018 registered at Police Station Lalbag, District Rajnandgaon for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 07.09.2018 the prosecutrix was more than 18 years of age. She is resident of village Singarpur. There was love affair between her and the applicant. On 07.09.2018, the applicant took her and they performed the marriage in a Temple. Thereafter, they started to live as husband and wife. He committed sexual intercourse with her.
4. Counsel for the applicant submits 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 opposes the bail application. However, he submits 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 bail 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/-