

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3025 of 2019**

Daniram Sahu, aged about 20 years, son of Shri Bhagwat Ram Sahu, R/o Village Rinwagahan, P.S., Tahsil Bhakhara, District Dhamtari (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Bhakhara, District Dhamtari (CG).

---- Non-applicant

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.05.2019

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.32/2019 registered at Police Station Bhakhara, District Dhamtari for the offence punishable under Sections 363, 366, 376 of IPC, Section 6 of Protection of Children from Sexual Offences Act and Section 3(2)(5) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 22.01.2019 the prosecutrix was more than 17 years of age. She is a member of Scheduled Caste, resident of village Rinwagahan. Two/three months ago, the applicant had committed sexual intercourse with her. On 22.01.2019, he took her by enticing on the pretext of marriage and committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is 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. He further submits that previously no criminal antecedent is reported against the applicant in police case diary.
6. As per attested copy of statement of the prosecutrix recorded under Section 164 of CrPC she was eloped in the temple at Nagpur and where the applicant had performed the marriage with her and, thereafter he committed sexual intercourse with her on her own will and wish.
7. 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-