

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3222 of 2019**

- Akash Chouhan S/o Shri Sukhsagar Chouhan Aged About 18 Years R/o Gram Kesama, Thana Udaipur District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Udaipur District Surguja Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Anurag Dayal Shrivastava, Advocate
For Non Applicant	:	Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.06.2019**

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.130/2018 registered at Police Station- Udaipur, District- Surguja (C.G.) for the offence punishable under Sections 363, 366, 376(2)(a), 511, 306, 114, 34 of Indian Penal Code 1860 and Section 4 and 17 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 22.11.2018 prosecutrix was more than 16 years of age. She is resident of village Sayar. She and applicant had liking for each other. On 22.11.2018 applicant and co-accused Heera Yadav and Ramadhar Yadav called her, thus she went outside. Applicant and said co-accused were present along with motorcycle. Applicant took her by motorcycle and committed repeatedly sexual intercourse with her on

pretext of the marriage.

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. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul