

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3161 of 2019

Karan Kashyap, S/o Shri Shankar Kashyap, aged about 22 years, residing at Village Jitiguda para Kohkapal P.S. Nagarnar District Bastar (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Darbha, District Bastar (CG).

---- Non-applicant

For Applicant	: Mr. Pravin Kumar Tulsyan, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, 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 counsel for the State in connection with Crime No.49/2018 registered at Police Station Darbha, District Bastar for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 28.05.2017 the prosecutrix was more than 16 years of age. She is a resident of village Kohkapal. On 28.05.2017, the applicant took her forcefully in his house at Jitiguda para and committed repeatedly sexual intercourse with her. Thereafter, she returned back to her paternal house. Later on, he again took her forcefully.
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 and as such he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. However, he submits that there is no criminal antecedent is reported against the applicant in police case diary.

6. As per enclosed certified copy of statement of prosecutrix recorded by the trial Court, which is a part of bail application she has stated that she and applicant had performed the marriage in a temple. After the marriage, she lived in his house as husband and wife.

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/-