

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3426 of 2019**

Dilip Gandharv, S/o Dhanesh Gandharv, aged about 20 years, R/o village Gocchiya, Police Station Kawardha, District Kabirdham, Present address Meenaroad Labour Colony, Ankleshwar, District Bharuch (Gujarat).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Bharamdev, District Kabirdham (CG).

---- Non-applicant

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.05.2019**

1. Heard. Admit. Case diary is available.
2. 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.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.56/2018 registered at Police Station Bharamdev, District Kabirdham for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act.
4. Case of the prosecution, in brief is that on 10.11.2018, prosecutrix was more than 16 years of age. She is resident of village Rauchan. There was love affairs between her and the applicant. On 10.11.2018, he took her by enticing on the pretext of marriage and committed repeatedly sexual intercourse with her.
5. 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.
6. On the other hand, counsel for the State opposes the bail application, however, she submits that no criminal antecedent is reported against the applicant in police case diary.
7. As per photocopy of statement of prosecutrix recorded under Section 164 of CrPC she had accompanied to applicant voluntarily. He had committed sexual intercourse with her on her own will and wish. She does not want to take any legal action against him.
8. 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-