

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3754 of 2019**

- Jyoti Durge D/o Madhu Kumar Durge Aged About 29 Years R/o Rajput Gali, Ward No. 12, Station Para, Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, Rajnandgaon Chhattisgarh

----Non Applicant

For the Applicant	:	Shri Parag Kotecha, Advocate
For Non Applicant	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**20.06.2019**

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. 15/2019 registered at Police Station- Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 363, 368, 376 r/w 34 of Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 12.01.2019 prosecutrix was more than 16 years of age. She is resident of Dongargarh. On 12.01.2019 co-accused Prabhaker Khobragade took prosecutrix forcefully and committed forcible sexual intercourse with her. Thereafter, he told applicant to take the prosecutrix in her house. Applicant took prosecutrix in her house.
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 shall 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 facts and circumstances of the case, 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 shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul