

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3760 of 2019**

- Rahul Bhagat S/o Anil Bhagat Aged About 22 Years Caste Uraon, R/o Village Harradipa, Patratoli, Chowki, Lodam, Police Station And District Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jashpur, District Jashpur Chhattisgarh

---- Non Applicant

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate

For Non Applicant : Shri Vinod Tekam, 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.115/2019 registered at Police Station- Jashpur, District- Jashpur (C.G.) for the offence punishable under Sections 363, 376 of Indian Penal Code and U/s 5(L), 6 the protection of Children from Sexual Offences Act 2012.
3. Case of the prosecution, in brief is that on 20.03.2019 prosecutrix was more than 16 years of age. On 20.03.2019 she left her paternal house without intimating to anyone and went in the house of applicant. Applicant committed repeatedly sexual intercourse with her.
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. As per the true copy of the statement of the prosecutrix recorded under Section 164 CrPC she had not stated that applicant had allegedly committed sexual intercourse with her.
7. Looking to the above mentioned 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul