

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4044 of 2019

Lokhnath Nag, S/o late Fagnu Ram, aged about 21 years, R/o Village Markel Awas Plot P.S. Nagarnaar District Bastar (CG).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant	: Mr. Ramakant Pandey, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.07.2019

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.237/2018 registered at Police Station Nagarnaar, District Bastar for the offence punishable under Sections 363, 366, 376 of Indian Penal Code, Section 6 of Langik Apradhon Se Balkon Ka Sanrakshan Adhiniyam, 2012 and Section 3(2)(V) of SC & ST Act.
3. Case of the prosecution, in brief is that in the month of October, 2018, the prosecutrix was more than 16 years of age. She is a resident of village Sivnagurdar. She is a member of Scheduled Tribe. There was love affair between her and the applicant. Since the month of October, 2018 onwards, he committed repeatedly sexual intercourse with her on the pretext of marriage. He took her and went to Orissa.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent person and has been falsely

implicated in the present case, therefore, he may be released on bail.

5. 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.

6. 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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

7. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

L/-