

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4442 of 2019**

Gopal Prasad Vaishnav, S/o Shri Purushottam Vaishnav, aged about 22 years, R/o Village Birkoni Ward No.4, Thana, Tahsil and District Mahasamund (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Mahasamund, Civil & Revenue District Mahasamund (CG).

---- Non-applicant

For Applicant	: Mr. Sumit Shrivastava, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.08.2019

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.112/2019 registered at Police Station Mahasamund, District Mahasamund for the offence punishable under Sections 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 01.06.2018 the prosecutrix was more than 16 years of age. She is a resident of village Ataria. On 01.06.2018 the applicant committed forcible sexual intercourse with her in the house of Rani at Birkoni. He had threatened that he shall explode, if she narrates the incident to anyone, therefore, she did not narrate the incident to anyone. She became pregnant. In the meeting, the family members of the applicant told that the marriage of the applicant will be performed with her, thereafter, they refused to perform the marriage with her.

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. He further submits that FIR is delayed and lodged on 22.04.2019, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. However, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to these 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/-