

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4687 of 2019

Ramji Patel, S/o late Hemu Patel, aged about 21 years, R/o Gaurav Chowk, Bastipara, Telibandha, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Telibandha, District Raipur (CG).

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate.
For Non-applicant : Mr. Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.08.2019

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.08/2019 registered at Police Station Telibandha, District Raipur for the offence punishable under Sections 363, 366, 376(2)(n) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 05.01.2019 the prosecutrix was aged about 17 years old. She is a resident of village Jora. On 05.01.2019, the applicant took her by enticing on the pretext of marriage and they performed the marriage. He committed repeatedly sexual intercourse 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, 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 Court with the condition that he shall appear before the concerned 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/-