

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4688 of 2019**

Nirmal, S/o Rohit alias Lohit Sahu, aged about 22 years, R/o village Bagardarha, P.S. Sankra, Tahsil Pithoura, District Mahasamund (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Sankara, District Mahasamund (CG).

---- Non-applicant

For Applicant : Mr. V.K. Pandey, Advocate.
For Non-applicant : Mr. Dinesh Kumar Tiwari, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.08.2019**

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.30/2019 registered at Police Station Sankara, District Mahasamund for the offence punishable under Sections 363, 366, 366(A) and 376(2)(h) of Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that in the month of January, 2018, the prosecutrix was more than 17 years of age. She is resident of village Bagardarha. In the month of January, 2018, the applicant committed sexual intercourse with her on her own consent. On 08.03.2019, she went along with him voluntarily. 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.
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/-