

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8102 of 2018**

Trilok Harijan, S/o Manku Harijan, aged about 21 years, R/o Gram Aawagao,
Police Station Kotpad, District Nawarangapur (Odisha). **---- Applicant**

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Kotwali,
Civil and Revenue District Jangdalpur (CG). **---- Non-applicant**

For Applicant	: Mr. Punit Ruparel, Advocate.
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.01.2019

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.80/2018 registered at Police Station Kotwali, District Jagdalpur for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 03.05.2018, the age of the prosecutrix was more than 16 years. She is a resident of village Kopaguda. On 03.05.2018 the applicant took her by enticing on the pretext of marriage and committed sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is 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 prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. As per true copy of statement of prosecutrix recorded by the trial court in which she turned hostile totally and has not supported the prosecution case.
7. 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.

8. 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.

9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)

JUDGE

L/-