

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8475 of 2018**

Manchu Khute, S/o Shri Jagdish Prasad Khute, aged about 24 years, By Caste Satnami, R/o Village Agarkhar, Police Station Darri, District Korba (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Darri, District Korba (CG).
---- Non-applicant

For Applicant	: Mr. Nitesh Shrivastava, Advocate.
For Non-applicant	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.01.2019

1. In compliance of this Court order dated 11.12.2018, Sub-Inspector Anil Kumar Agrawal, Police Station Darri, District Korba is present in person before this Court along with case diary and submitted an explanation as required by this Court. He is directed to comply with strictly order of this Court.
2. 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.
3. Perused the case diary provided by the counsel for the State in connection with crime No.29/2017 registered at Police Station Darri, District Korba for the offence punishable under Sections 363, 366A, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 13.03.2017 the age of the prosecutrix was more than 16 years. She is a resident of village Kumbhgari. There was love affair between her and the applicant. She called him and, thereafter, they went to Korba/Delhi. They performed the marriage at Delhi and started to live as husband and wife. She is carrying pregnancy of four months.
5. 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.
6. 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.

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/-