

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9507 of 2018**

Romi Boriya, S/o Narbat Boriya, aged about 18 years, R/o Bapu Upnagar Torwa,  
Police Station Torwa, District Bilaspur (CG). **---- Applicant**

**Versus**

State of Chhattisgarh, through Police Station Sirgitti, District Bilaspur (CG).

**---- Non-applicant**


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| For Applicant     | : Mr. Tarun Dansena, Advocate.  |
| For Non-applicant | : Mr. Vinod Tekam, Panel Lawyer |

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

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**10.01.2019**

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.426/2018 registered at Police Station Sirgitti, District Bilaspur for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 07.10.2018, the age of the prosecutrix was more than 17 years. She is a resident of village Sirgitti. She and applicant were in contract through mobile. On 07.10.2018, he took her by enticing on the pretext of marriage. They performed the marriage at Mahamaya Temple, Ratanpur and, thereafter, he 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 is 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 has stated that she herself called the applicant.
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/-