

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9523 of 2018**

Ramsingh @ Ankal, son of Shri Rajkumar Bhaskar, aged about 22 years, R/o Village Kanchanpur, P.S. Fastarpur, District Mungeli (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, P.S. Kurud, Civil and Revenue District Dhamtari (CG). **---- Non-applicant**

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22.01.2019

1. Case diary is not produced.
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 copy of charge-sheet provided by the counsel for the applicant in connection with crime No.350/2018 registered at Police Station Kurud, Civil and Revenue District Dhamtari for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief is that on 10.08.2018, the age of the prosecutrix was more than 17 years. She is a resident of village Sirsida. She and applicant like to each other. On 10.08.2018, the applicant took her by enticing on the pretext of marriage. He committed sexual intercourse with her.
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 he has received information from the concerned police station by telephone that no criminal antecedent is 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/-