

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9402 of 2018

- Khilawan Dhruv S/o Ramcharan Dhruv Aged About 21 Years R/o- Village- Maldi, Police Station- Bhatapara (Gramin), District- (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Bhatapara (Gramin), District- (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Sumit Jhanwar, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.01.2019

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 learned counsel for the State in connection with crime No. 350/2018 registered at Police Station – Bhatapara (Gramin), District- (Revenue And Civil)- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 04 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix was below 16 years of age. She was resident of village Maldi. On 01.10.2018 applicant took her by enticing and committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the photocopy of the statement of the prosecutrix recorded under 164 Cr.P.C. there was a love affair between her and applicant. She had told the applicant to elope with her. He had committed sexual intercourse with her on her wish and will. They have performed marriage and were living as husband and wife.
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, 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE