

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9475 of 2018

- Basant Kumar Kaushik S/o Late Shri Shiv Prasad Kaushik Aged About 25 Years R/o Village Tilai, Police Station And Tahsil Janjgir, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Janjgir, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Ravindra Sharma, Advocate.
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

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 learned counsel for the State in connection with crime No. 562/2018 registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 376, 509B/34 of the Indian Penal Code, Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 and 66-E, 67-A, B of IT Act.
3. Case of the prosecution, in brief is that on 09.07.2018 prosecutrix was more than 17 years old. She is resident of village Telai. There was love affair between her and the applicant. On 09.07.2018 and onwards he committed sexual intercourse with her on pretext of marriage. He had made obscene video of the prosecutrix and also taken her obscene photographs. He gave said photographs and video to one person namely Dharmendra.
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. 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.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE