

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9534 of 2018

- Ghanshyam Mishra @ Raj Mishra S/o Premnarayan Mishra Aged About 23 Years R/o Ward No. 9, Village Chanwaridand, Police Station Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Anil Gulati, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

11.01.2019

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. 160/2018 registered at Police Station Manendragarh, District Korea (C.G.) for the offence punishable under Sections 363, 366, 376(2)(N) of the Indian Penal Code and Section 4, 6, 10 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 14.02.2018 prosecutrix was below 15 years old. She is resident of village Chanwaridand.
4. On 14.02.2018 applicant took her by enticing on pretext of marriage and thereafter he committed repeated sexual intercourse with her.
5. 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.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. As per photocopy of the statement of the prosecutrix recorded u/s 164 Cr.P.C. she had not stated anything about the sexual intercourse by applicant.
8. 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 two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- 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.
9. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE