

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9599 of 2018**

Bhuneshwar Nishad, aged about 24 years, S/o Amrit Lal Nishad, R/o village Litipara, P.S. Piparchedi, District Gariyabandh (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Gariyabandh, District Gariyabandh (CG). **---- Non-applicant**

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

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.02.2019

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.158/2018 registered at Police Station Gariyabandh for the offence punishable under Sections 363, 366, 376(2) of IPC and Section 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 08.08.2018, the prosecutrix was more than 16 years of age. She is a resident of village Paragaon. There was love affair between her and the applicant. On 08.08.2018, he took her by enticing on the pretext of marriage and committed repeatedly 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 bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above facts and circumstances of the case, the bail application is allowed. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)

JUDGE

L/-