

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9693 of 2018

- Sonuram @ Bhupendra Verma S/o Narayan Verma Aged About 23 Years R/o Village Alada Post Office And Police Station Nevra ,district Balodabazar Bhatapara Chhattisgarh (Wrongly Mentioned The District As Raipur In The Rejection Order Of Lower Court), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer ,police Station Suhela District Balodabazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Shivendu Pandya, Advocate
For Non-applicant	: Mr. S. Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.01.2019

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. 172/2018 registered at Police Station – Suhela District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 376 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 30.08.2018 prosecutrix was below 15 years of age. She is resident of village Nayapara. On 30.08.2018 applicant committed forcible sexual intercourse with her after giving threatening to kill her at village Nevra, Nayapara.
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 certified copy of the statement of the prosecutrix she turned hostile, she had not stated about the alleged rape, threatening to kill her.
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