

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9719 of 2018**

Rakesh Kumar Kujur, S/o Rajendra Kujur, aged about 31 years, R/o Grampanchayat Mendrakala, P.S. And Tahsil Ambikapur, District Surguja (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Darima, District Surguja (CG).
---- Non-applicant

For Applicant	: Mr. Jitendra Shrivastava, Advocate.
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate
For Informant	: None present, though notice has been served

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.03.2019

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.190/2008 registered at Police Station Darima, District Surguja for the offence punishable under Sections 363 & 366 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 23.12.2008, the prosecutrix was below 14 years of age. She is a resident of village Bakalo. On 23.12.2008, the applicant and co-accused took her forcefully.
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. As per certified copy of statement of the prosecutrix, she turned hostile before the trial Court and nothing has been stated against the applicant.
7. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-