

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9721 of 2018**

Subhankar Vishvaas, son of Kanhai Vishvaas, aged about 19 years, R/o village Dhangaon, Thana Ramanujganj, District Balrampur Ramanujganj (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Ramanujganj, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicant	: Mr. A.K. Yadav, Advocate.
For Non-applicant	: Mr. Wasim Miyan, 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 counsel for the State in connection with crime No.46/2018 registered at Police Station Ramanujganj, District Balrampur Ramanujganj for the offence punishable under Sections 363, 366A, 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 23.04.2018 the age of the prosecutrix was below than 16 years. She told the applicant to elope her and they went to Calcutta and performed the marriage there.
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 prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. As per enclosed certified copy of statement of the prosecutrix recorded by the trial Court in which she turned hostile and stated that applicant has not committed any act with her and he had not taken 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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

8. 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-