

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9828 of 2018**

Harish Kumar Kosare, son of Shri Chhote Lal Kosare, aged about 24 years, R/o Naya Bazar Chowk, Sant Ravidas, Ward No.70, Sarona, Tatibandh, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, P.S. Tikrapara, District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Girdhari Lal Verma, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.01.2019

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.431/2018 registered at Police Station Tikrapara, Civil and Revenue District Raipur for the offence punishable under Section 376 of Indian Penal Code and Sections 4 & 5 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 14.09.2017 the age of the prosecutrix was more than 17 years. On 14.09.2017 she and applicant performed the marriage in a temple and, thereafter, they lived as husband and wife. The applicant committed repeatedly sexual intercourse with her as a result she became pregnant. Thereafter, he ousted her after beating.
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. 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.

7. 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-