

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9854 of 2018

- Akash Nag S/o Rameshwar Nag Aged About 18 Years Resident At Village Markel, Police Station Nagarnar, District - Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bodhghat, District - Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. PK Tulsyan, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.04.2019

1. The prosecutrix informant is present in person.
2. After putting some questions, I am satisfied that the girl who is present before this Court is prosecutrix.
3. 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.
4. Perused the case diary provided by the learned counsel for the State in connection with crime No. 161/2018 registered at Police Station – Bodhghat, District – Bastar (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
5. Case of the prosecution, in brief is that on 06.04.2017 prosecutrix was below 15 years of age. She is resident of Jagdalpur. On 06.04.2017 applicant took her by enticing on pretext of marriage and committed repeated sexual intercourse with her.
6. 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.
7. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
8. Informant prosecutrix herself submitted that she has no objection on granting bail to the applicant.
9. As per the certified copy of the statement of the prosecutrix dated 29.10.2018 recorded by the trial Court which is part of the bail petition she turned hostile and stated that applicant had not committed anything and she had not lodged any report against him.
10. 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.
11. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE