

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 538 of 2019**

Mongraj Nag, S/o Mangalsay Nag, aged about 30 years, Caste Muriya, R/o Kumharras, Old Kumharpara, P.S. Dantewada, District Dantewada (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Dantewada, District Dantewada (CG).

---- Non-applicant

For Applicant	: Mr. Raj Bahadur Singh, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.02.2019

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.20/2018 registered at Police Station Dantewada, District Dantewada for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 21.2.2018, the prosecutrix was more than 16 years old. She is a resident of village Kumharpara. On 21.02.2018 the applicant took her by enticing on the pretext of marriage and committed sexual intercourse with her.
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 further submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per true copy of statement of the prosecutrix recorded by the trial Court on 25.07.2018, she totally turned hostile. She had stated in examination-in-chief that nothing was happened with her by 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/-