

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 10053 of 2018**

Sanjay Thakur, S/o Shri Ashok Thakur, aged about 23 years, R/o Anand Nagar Adhartal, New Durga Colony, Thana Adhartal, Jabalpur (M.P.).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Supela, District Durg (CG).

---- Non-applicant

For Applicant	: Mr. Sachin Singh Rajput, Advocate.
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.01.2019

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.779/2018 registered at Police Station Supela, District Durg for the offence punishable under Sections 363, 366, 376 of IPC and Sections 5 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 20.08.2018, the age of the prosecutrix was below than 18 years. She and applicant were talking with each other through mobile. On 20.08.2018 he took away her in different places and he committed sexual intercourse with her. Thereafter, they performed the marriage at Sharda Temple in Jabalpur.
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 true copy of statement of the prosecutrix recorded under Section 164 of CrPC, she has stated that she herself went with

applicant. They performed the marriage at Temple in Dongargar and he committed sexual intercourse with her on her own will and wish. They performed the court marriage in Jabalpur.

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/-