

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2712 of 2018**

Raju @ Rai Singh S/o Umendra Singh Gond Aged About 21 Years R/o Shivpur ( Batpara), Tahsil And Police Station Khargawa, District Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Khargawa, District Koriya Chhattisgarh.

---- Respondent

|                   |   |                                 |
|-------------------|---|---------------------------------|
| For the Applicant | : | Shri P.M. Shrivastava, Advocate |
| For the State     | : | Shri Vinod Tekam, Panel Lawyer  |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****19/09/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No. 60/2017 registered at Police Station Khargawa, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 376(2)(j), 506(ii) of IPC and 4,6 & 10 of POCSO Act.
3. Case of the prosecution, in brief is that on 14/04/2017 age of the prosecutrix was 16 years and 3 months. She is resident of village Bardar. Prosecutrix and applicant were phoned to each other. Applicant had expressed that he is in love with her. On 14/04/2017 in late hour she had left to outdoor for the toilet. Applicant and one another person caught hold her and taken away towards nullah. Applicant committed sexual intercourse with her. Thereafter applicant had told her to go in her house, then she told that she will go along with him. Applicant ran away then prosecutrix followed him.
4. Learned counsel for the applicant submits that applicant is innocent and

falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that there is no antecedents of the applicant.
6. Looking to the above mentioned facts and circumstances of the case, this Court is inclined to give the benefit of Section 439 of Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. 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 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 cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde