

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6153 of 2018**

Parmeshwar Patel S/o Uddhav Patel Aged About 23 Years R/o Naugadi, Outpost Bhawarpur, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Aditya Khare, Advocate appearing on behalf of Shri Anil Gulati, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/10/2018**

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. 175/2018 registered at Police Station Basna, District Mahasamund (C.G.) for the offence punishable under Section 376 (2)(b) of IPC and Section 4,6 of POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix is on 01/09/2015 prosecutrix was more than 17 years old. There was a love affair between the prosecutrix and the applicant. On 01/09/2015 applicant had committed sexual intercourse with the prosecutrix on pretext of marriage. Thereafter he committed sexual intercourse with the prosecutrix repeatedly on pretext of the marriage. Thereafter he refused to marry with her.
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, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the applicant.
6. Looking to the above mentioned 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 will take its own time, this Court is inclined to give the benefit of Section 439 of the 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