

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6307 of 2018**

Yogesh Vishwakarma S/o Late Pradip Vishwakarma Aged About 28
Years R/o- Ward No. 05, Killapara, Police Station Pandariya, District-
Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Police Of Police Station
Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. M. Asha, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**09/10/2018**

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.234/2018 registered at Police Station Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 363 & 366 of IPC and Section 8 of the POCSO Act.
3. Case of the prosecution, in brief is that on 10/06/2018 prosecutrix was below 16 years of age, she is resident of Killapara Ward No. 10, Pandariya, District Kabirdham (C.G.). On 10/06/2018 applicant had taken away her by enticing on pretext of marriage.
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. There is no criminal antecedents against the applicant.

6. In the photocopy statement of the prosecutrix recorded under Section 164 of CrPC she stated that she was not inclined to go Bhilai Hostel, thus she went to Pandariya along with applicant. She had called the applicant.
7. Looking to the fact and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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.
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 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge