

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6459 of 2018**

Janardan Verma S/o Manharan Verma Aged About 28 Years R/o-
Village- Dongra, Thana- Kasdol, District- Baloda Bazar, Chhattisgarh.,
District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through- Police Station- Berla, District-
Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Samir Singh, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/10/2018**

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.183/2018 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 376 of IPC and 4 & 5 of POCSO Act.
3. Case of the prosecution, in brief is that on 03/06/2018 prosecutrix was more than 16 years old. She is resident of village Sodh. On 03/06/2018 applicant has committed sexual intercourse with the prosecutrix on the pretext of marriage. On 19/07/2018 he again committed sexual intercourse with her on pretext of marriage and he forcibly wore her bangle.
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. As per the true copy of the statement recorded under Section 164 of CrPC, she had stated that she was inclined to marry with the applicant. He has not committed any act with her forcibly.
7. 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, 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. 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge