

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6781 of 2018**

Goludas Manikpuri S/o Shri Dashrath Das Manikpuri Aged About 23 Years R/o Kabir Nagar, Raipur P. S. Kabir Nagar, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P. S. Kharora, District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dashrath Kushwaha, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/10/2018**

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.212/2018 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Sections 363,366, 376 of IPC and Section 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 23/05/2018 prosecutrix was more than 17 years old. She is resident of village Kharora, Ward No. 10. On 23/05/2018 applicant taken away her by enticing on pretext of marriage, thereafter he repeatedly committed sexual intercourse with the prosecutrix.
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 photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC, she had called the applicant by telephonic call on 26/05/2018. Applicant had taken her in his house.
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

Kamde