

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6774 of 2018**

Bali Ekka S/o Sirman Ekka Aged About 28 Years R/o- Sarga,
Sudhnathpara, Police Station- Sitapur, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- S.H.O. P.S. Sitapur, Civil And
Revenue District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh

---- Respondent

For the Applicant	:	Shri Chandrabhushan Kesharwani, Advocate
For the State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/10/2018**

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.59/2018 registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Sections 363, 366 and 376 (2)(ढ) of IPC and Section 5 ढ/6 of POCSO Act.
3. Case of the prosecution, in brief is that on 27/04/2018 prosecutrix was below 16 years of age. She is resident of village Sarga. There was a love affair between her and the applicant since back one year. He had committed sexual intercourse so many times with her as a result she became pregnant. On 27/04/2018 she left her parental house and entered in the house of applicant.
4. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC applicant had not committed any act with her.
5. Learned counsel for the applicant submits that he is innocent and falsely

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

6. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the applicant.
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 ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge