

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7129 of 2018**

Safdar Khan S/o Ataula Khan Aged About 20 Years R/o Sai Tangar Toli, P. S. Jashpur, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Gandhinagar, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For the Applicant	:	Ms. Varsha Sharma, Advocate
For the State	:	Shri R.K. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/10/2018**

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.148/2018 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Sections 363, 366(क), 368, 376(2)(अ)(द) of IPC, Section 4, 5 द/6, 17 of POCSO Act and Section 3(2-5) 3(2)(v- क) of SCST Act.
3. Case of the prosecution, in brief is that on 20/06/2018 prosecutrix was less than 16 years of age, she had love affairs with the co-accused Haider. On 20/06/2018 co-accused Haider came along with applicant in a motorcycle near the house of prosecutrix. Co-accused took her by that motorcycle along with applicant. Co-accused kept her in Kunkuri. Co-accused Haider committed sexual intercourse with her.
4. Learned counsel for the applicant submits that he 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, 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