

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6726 of 2018**

Tikam Yadu @ Raju S/o Gopal Yadu Aged About 21 Years R/o- Village Gadadih, Police Station Utai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- City Kotwalil, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/10/2018**

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.283/2018 registered at Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Sections 363, 366, 376, 506 of IPC and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that the prosecutrix was more than 16 years of old on 11/06/2018. She is resident of Village Gujra. On 11/06/2018 applicant took her at village Gadadih and committed repeatedly sexual intercourse with her on pretext of marriage.
4. As per certified copy of the statement of the prosecutrix taken by the trial Court, she turned hostile.
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 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