

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6784 of 2018**

Yogesh Kumar Vishwakarma S/o Sunderlal Vishwakarma Aged About
20 Years R/o Village - Kopra, Bhatapara, Paity Nagar, Post Office And
Police Station - Panduka, District - Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station - Panduka, District - Gariyaband, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

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.84/2017 registered at Police Station Panduka, District Gariyaband (C.G.) for the offence punishable under Section 363, 366, 376(2)(n) of IPC and 4/6 of POCSO Act.
3. Case of the prosecution, in brief is that on 04/10/2017 prosecutrix was more than 16 years old. She is resident of village Kopra. On 04/10/2017 applicant had taken away prosecutrix to Raipur. In the temple of Raipur applicant performed the marriage with prosecutrix. He had committed repeated sexual intercourse with the prosecutrix.
4. 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. 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

Kamde