

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6824 of 2018**

Suraj Yadav S/o Ramkumar Yadav Aged About 20 Years R/o-
Ratakhar, Korba, Tahsil And District- Korba, Chhattisgarh., District :
Korba, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Kotwali, District- Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/10/2018**

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 photocopy of charge-sheet provided by the counsel for the applicant in connection with the Crime No.447/2018 registered at Police Station Kotwali Korba, District Korba (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix was below 16 years of age. She is resident of village Ratakhar. There was a love affair between the applicant and her. On 02/07/2018 she had gone towards Balco along with him. Applicant had committed sexual intercourse with her. As per the photocopy statement of the prosecutrix recorded under Section 164 of CrPC she had gone along with applicant voluntarily. He had not taken her by enticing. She does not say anything about sexual intercourse.
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.
6. As per the enclosed arrest memo of applicant there is no antecedents against him.
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