

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7097 of 2018**

Ajay Kumar Singh S/o Bhaiyalal Lksingh Aged About 20 Years R/o
Caste Gond Village Keshavpur Mahuapur Police Station
Ramanujnagar District Surajpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station
Ramanujnagar District Surajpur Chhattisgarh

---- Respondent

For the Applicant	:	Shri S.R. Sinha, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/10/2018**

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.108/2018 registered at Police Station Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376(2)(3) of IPC and Section 6 of POCSO Act.
3. Case of the prosecution, in brief is that in the year 2013 prosecutrix was aged below 16 years, she is resident of village Keshavpur. There was a love affairs between applicant and prosecutrix. Applicant took her on 01/03/2013 and committed sexual intercourse with her before 14/07/2018. As a result she became pregnant. She was living with him in his house, thereafter he refused to keep 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 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde