

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7103 of 2018**

- Shyam Das Manikpuri S/o Dhaanu Das Manikpuri Aged About 25 Years R/o Jaitpuri, Police Station Lalpur, District Mungeli, CG

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Lalpur, District Mungeli, CG

---- Respondent

For applicant	Mr. Amit Sahu, Adv.
For Respondent/State	Mr. S.K. Mishra, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 13/2016 registered in police station Lalpur, Distt. Mungeli (CG) for offence punishable under Sections 363, 366, 376, IPC and Section 4 and 6 of POCSO Act and Section 3(1)(B) and 3(2)(v) of the SCST Act .
3. Prosecution story in brief is that on 4-1-2016, the prosecutrix was more than 16 years of age. She is resident of Jaitpuri. Earlier trial Court had granted bail to the applicant on 17-6-2017, thereafter Sections 3(1)(B) and 3(2)(v) of the SCST Act were added and he was against taken into custody. Hence this bail application.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above facts and circumstances of the case, looking to the photocopy of the written submission of the prosecutrix Annexure A-2, wherein she had stated that she has no objection in granting bail to the applicant and they have already married, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

Consequently, the application 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 the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge