

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7126 of 2018**

Durgesh S/o Sukalu Chandravanshi Aged About 22 Years R/o Village
Manikpur, Police Station - Bodla, District - Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station -
Bodla, District - Kabirdham, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/10/2018**

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.104/2018 registered at Police Station Bodla, District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of IPC and Section 4 of POCSO Act and Section 3(2) (va) of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that on 20/06/2018 prosecutrix was more than 16 years of age. On 20/06/2018 applicant took her from Kawardha bus stand and kept her in the house of co-accused Basant. Applicant committed sexual intercourse with prosecutrix on pretext of marriage.
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 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