

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7119 of 2018**

Pannalal Sen S/o Ramsatta Aged About 18 Years R/o Village Hardi,
Police Chowki Baya Tehsil Kasdol, District (Revenue And Civil)
Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-
Bhathapara, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Police Stationpithora, District
(Revenue And Civil) Mahasamund Chhattisgarh, District :
Mahasamund, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Sumit Jhavar, Advocate
For the State	:	Shri S.K. Mishra, 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.144/2018 registered at Police Station Pithora, District Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of the POCSO Act.
3. Case of the prosecution, in brief is that on 09/08/2018 prosecutrix was more than 16 years of age. She is resident of village Rajkera. There was a love affairs between her and applicant. He was promising to marry with her. On 09/08/2018 she had left her parental house and join the company of applicant. He took her in village Hardi. He committed sexual intercourse with 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 statement of the prosecutrix recorded under Section 164 of CrPC and 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