

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7107 of 2018**

- Deepak Kumar Baghel S/o Shri Balram Baghel Aged About 21 Years
R/o Village Gujra, P.S. Patan, District - Durg, CC

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Utai, District - Durg, CG

---- Respondent

For applicant	Mr. Prasoon Agrawal, Adv.
For Respondent/State	Mr. Ashok Swarnkar, 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. 161/2017 registered in police station Utai, Distt. Durg (CG) for offence punishable under Section 363, 366, 376, IPC and Section 6 of the POCSO Act.
3. Case diary is not produced. Counsel for the applicant produced photocopy of the charge sheet for perusal of this Court.
4. Prosecution story in brief is that on 21-5-2017, prosecutrix was more than 16 years of age. She is resident of village Korphendri. On 21-5-2017, the applicant took the prosecutrix to village Gujra and committed sexual intercourse as a result of which she became pregnant.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
7. As per photocopy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., there was love affair between the applicant and the prosecutrix. She had left her parental house voluntarily and ran away along with the applicant. They have performed marriage. The applicant had not enticed her. As per photocopy of the arrest

memo, no criminal antecedent of the applicant has no criminal antecedent.

8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, 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.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge