

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7193 of 2018**

- Shiva Dhuliya S/o Shri Raja Ram Dhuliya Aged About 21 Years R/o Village Kargikhurd, Police Station Kota, District Bilaspur, CG

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kota, District Bilaspur, CG

---- Respondent

For applicant	Mr. Amit Singh, Adv.
For Respondent/State	Mr. RK Pandey, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-10-2018**

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. 265/2017 registered in police station Kota, Distt. Bilaspur (CG) for offence punishable under Section 363, 366, 376 IPC and Section 6 of POCSO Act, Section 3(2)(v) of SCST Act.
3. Prosecution story in brief is that prosecutrix was more than 16 years of age on 12-9-2017. She is resident of village Sakri. She is a member of Scheduled tribe. The applicant is neither a member of scheduled tribe nor scheduled caste. On 12-9-2017, the applicant took her and committed sexual intercourse on the pretext of marriage.
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, and as trial will take its own time, 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