

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7433 of 2018

- Dhaneshwari @ Meena W/o Vishnu Khunte Aged About 36 Years R/o Village - Mehendi, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh. (As Per Charge Sheet / Final Report), District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Kukdur, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant	: Mr. Neeraj Sharma, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 57/2018 registered at Police Station – Kukdur, District Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code, Section 4, 5, 6 of the POCSO and Section 3(2) (V-a) of SC/ST Act.
3. Case of the prosecution, in brief is that on 21.06.2018 prosecutrix was below 16 years of age. She is resident of village Jhingra Dongri. Applicant was saying to prosecutrix to abscond with Nilesh Sahu and marry with him. On 20.06.2018 coaccused Nilesh Sahu and Padam Sahu took away her and thereafter Nilesh Sahu committed forcible sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been 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, however, he submits that there is no antecedent against the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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 Trial Court with the condition that he will 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE