

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7498 of 2018**

Radheshyam Durgam S/o Durgam Ratnaiya Aged About 21  
Years R/o Bhimraopara Rudram, Police Station -  
Bhopalpattanam, District - Bijapur, CG

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station - Bhopalpattanam,  
District - Bijapur, CG

**---- Respondent**


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| For applicant        | Mr. P.R. Patankar with Mr. Vedant Bhelonde,<br>Advs. |
| For Respondent/State | Mr. Ashok Swarnkar, PL.                              |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****13-11-2018**

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. 10/2018 registered in police station Bhopalpattanam, Distt. Bijapur (CG) for offence punishable under Section 376(2)(I), 506-B of IPC, Section 3(2)(v) of the SCST Act and Section 6 of the POCSO Act.
3. Case of the prosecution in brief is that prosecutrix is aged about 16 years and is a resident of village Arjunli. During 14-4-2017 and 17-3-2018, the applicant committed sexual intercourse with prosecutrix.
4. State counsel has not produced case diary of the case. Counsel for the applicant has produced photo copy of charge sheet.
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 true copy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, which is a part of the charge sheet, the applicant and the prosecutrix both liked each other. As per photocopy of the arrest memo which is also a part of the charge sheet, no criminal antecedent is reported against the applicant.
8. Looking to the above facts and circumstances of the case, 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, he be released on bail.
9. CC as per rules.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**