

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7658 of 2018**

1. Anil Bhagat S/o Late Laxmi Ram Aged About 20 Years,

2. Rakesh Bhagat S/o Late Sonlal Aged About 21 Years,

both are R/o Village Thithoriamma, police Station Lailunga , district-
Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh---- **Applicants**
VersusState Of Chhattisgarh Through Police Station Pathalgaon , District
Jashpur Chhattisgarh., District : Raigarh, Chhattisgarh---- **Respondent**For the Applicants : Ms. Madhunisha Singh, Advocate
For the State : Shri S.K. Mishra, Panel Lawyer-----
Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26/11/2018**

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 learned counsel for the State in connection with the Crime No.115/2018 registered at Police Station Pathalgaon, District Jashpur (C.G.) for the offence punishable under Sections 363, 366, 376 (3), 109, 366 A of IPC and under Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 10/05/2018 prosecutrix was more than 17 years old. She is resident of village Aamkani. She had contact with co-accused Siril Bhagat. On 10/05/2018 she had gone to visit co-accused Siril Bhagat near the tubewell. Applicants, co-accused Siril Bhagat took away her Lailunga by motorcycle. Co-accused Siril has committed sexual intercourse with the prosecutrix on pretext of marriage.
4. Learned counsel for the applicant submits that they have innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
6. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper th evidence, it is directed that if the applicants furnishes one solvent surety for a sum of Rs.

25,000/- each along with a personal bond of Rs. 25,000/- each to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.

7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde