

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7611 of 2018**

Shankar Dhurve S/o Guhari Dhurve Aged About 22 Years R/o Pandri Pathra, Police Station Birsa, District Balaghat M. P., District : Balaghat, Madhya Pradesh.

---- Applicant

Versus

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

---- Respondent

For the Applicant : Shri Dharmesh Shrivastava, 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.08/2018 registered at Police Station Chilphi, District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 3, 4 of POCSO Act (as per challan)/Section 363, 366, 376 (2)(N) of IPC and Section 6 of POCSO Act (as per order sheet).
3. Case of the prosecution, in brief is that on 20/02/2018 prosecutrix was more than 16 years of age. She is resident of village Bodalpani. On 22/02/2018 applicant took her in his village and committed forcible sexual intercourse with her thereafter he took her Delhi and again committed sexual intercourse with her. Applicant had promised to marry her.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he 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 applicant.
6. As per true copy of statement of the prosecutrix recorded under Section 164 of CrPC she had told to the applicant that she wants to go along with him. She had called applicant on 22/02/2018, she had joined the company of him.

He has committed sexual intercourse on her will and wish.

7. 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 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 Court with the condition that he shall 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde