

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7793 of 2018

- Ravi Barle S/o Om Prakash Barle Aged About 23 Years R/o Village Kahroud, Post Office and Police Station Lavan, District Balodabazar-Bhatapara, CG.

---- Applicant

Versus

- State Of Chhattisgarh through the Station House Officer, Police Station Devendra Nagar, District Raipur Chhattisgarh.

----Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate
For Respondent/State : Mrs. M. Aasha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

order On Board

29/10/2018

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of bail as he is in custody since 19.03.2018 in connection with Crime No.40/2017 registered at Police Station Devendra Nagar, Raipur, for the offences punishable under Sections 363, 366, 376 IPC and 4 of the POCSO Act.
2. As per the prosecution case, the applicant committed forcible sexual intercourse with the prosecutrix on the assurance of marriage.
3. Counsel for the applicant submits that the applicant is innocent and has been framed in a false case he submit that it was the out come of love affair between the to and that on the date of incident the prosecutrix was above 18 years of age and thus a consenting party to the act of the accused.
4. On the other hand, State counsel opposes the bail application.

5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, the fact that the challan has been filed this Court is of the considered opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when to directed.

CC as per rules.

Sd/-

(Vimla Singh Kapoor)
Judge