

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8108 of 2018**

Raja @ Premshankar Nishad S/o Lachhiram Nishad Aged About 26 Years R/o Panchseel Nagar, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Hemant Gupta, Advocate
For the State	:	Shri Satish Gupta, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/12/2018**

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.352/14 registered at Police Station City Kotwali, Baloda Bazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 17, 18 of POCSO Act.
3. Case of the prosecution, in brief is that on 11/08/2014 prosecutrix was more than 16 years old. She is resident of Panchsheel Nagar, Balodabazar. On 11/08/2014 applicant took her by enticing on pretext of marriage. They performed marriage in Raigarh. They were living as husband and wife. He committed repeatedly sexual intercourse with her. In the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC it has not been mentioned that applicant took 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. 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 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 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde