

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8012 of 2018**

- Sagar S/o Late Gopal Aged About 20 Years R/o Kanchan Dafai, Khongapali, Police Station -Jhagrakhand, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Jhagarakhand, District- Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Akhtar Hussain, Advocate

For Non-applicant : Shri S. Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. The applicant has been arrested in connection with crime No. 79/2018 registered at Police Station – Jhagarakhand, District- Korea (C.G.) for the offence punishable under Section 376(2)(n), 323, 109/34 of the IPC and section 4, 6, 18 of the POCSO Act.
3. Case of the prosecution, in brief is that in the month of April, 2013 prosecutrix was near about 13 years. A love affair was developed between applicant and her. He had committed sexual intercourse with her forcibly. On 26.04.2018 he took her on the pretext of marriage and committed repeated sexual intercourse

with her.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. She further submits that there is no antecedent against the applicant.
6. As per the statement of the prosecutrix recorded u/s 161 and 164 Cr.P.C. she had left her parental house and joined the company of the applicant.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. 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 Trial Court with the condition that he will 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE