

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8457 of 2018**

Umrao Patel S/o Amar Singh Patel Aged About 23 Years R/o Village Bihrikala, Police Station And Tahsil Ambagarh Chowki, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Abhishek Sharma, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/12/2018**

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.65/2018 registered at Police Station Ambagarh Chowki, District Rajnandgaon (C.G.) for the offence punishable under Section 376, 450 of IPC and Section 4,5-L/6 of POCSO Act.
3. Case of the prosecution, in brief is that prior to 23/02/2018 prosecutrix was below 16 years of age. She is resident of village Bihrikala. Since back two years from 23/02/2018 to onwards applicant had committed repeatedly forcible sexual intercourse with her on pretext of marriage. On 23/02/2018 he entered in the house of the prosecutrix in the night and committed forcible sexual intercourse with her. When she shouted then he fled away.
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 the true copy of the statement of the prosecutrix recorded by the trial Court which is part of the bail application she turned total hostile and not supported the prosecution case.
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 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.

8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde