

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8522 of 2018**

Akash Uike S/o Shayam Uike Aged About 19 Years R/o Village
Balmiki Chowk Shanichari Bazar, Bilaspur P. S. City Kotwali,
Bilaspur CG

---- Applicant**Versus**

State of Chhattisgarh Through The P. S. City Kotwali, Bilaspur
CG

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. RK Pandey, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28-11-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 27/2018 registered in police station City Kotwali, Distt. Bilaspur (CG) for offence punishable under Section 363, 366, 376, IPC and Section 4 and 8 of the POCSO Act.
3. Case of the prosecution in brief is that on 7-1-2018 prosecutrix was below 16 years of age. She is a resident of Shanichari, Bilaspur. There was love affair between her and the applicant. On 7-1-2018, she left her paternal house and joined the company of the applicant. They went Rewa where they performed marriage. After marriage, he committed sexual intercourse with her. As per photocopy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. on 7-1-2018 she told the applicant that if he does not go along with her then she will commit some wrong act and falsely implicate his parents.
4. Counsel for the applicant argued that the applicant is innocent

and falsely implicated hence he be released on bail.

5. On the other hand, State Counsel opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the sum to the satisfaction of the trial Court concerned, he be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge