

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8341 of 2018**

Samodh Paikara S/o Late Shri Rampati Sharma Aged About 24 Years  
R/o Chendra, P. S. Jhilmili, District Surajpur Chhattisgarh, District :  
Surajpur, Chhattisgarh .

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police  
Station Jhilmili, Post Out Post Chendra, District Surajpur Chhattisgarh

---- Respondent

|                   |   |                                |
|-------------------|---|--------------------------------|
| For the Applicant | : | Shri A.K. Prasad, Advocate     |
| For the State     | : | Shri R.K. Pandey, Panel Lawyer |

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****15/11/2018**

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.103/2018 registered at Police Station Jhilmili, District Surajpur (C.G.) for the offence punishable under Section 376(2) of IPC and Section 6 of the POCSO Act.
3. Case of the prosecution, in brief is that in the month of November 2014 prosecutrix was more than 16 years old. She is resident of village Bundiya. In the year 2014-15, love affair was developed between her and applicant. He had committed repeatedly sexual intercourse with her on pretext of marriage, she became pregnant. He had tried to cause miscarriage of her. A girl child was born. When she knew that applicant is trying to perform marriage with another woman, then she lodged FIR.
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 th 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