

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8780 of 2018**

Hitesh Kurre @ Hitu S/o Nakul Aged About 19 Years R/o- Village Ganoud, Police Station Rakhi District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Arang, District- Raipur, Chhattisgarh.

---- Respondent

|                   |   |                                  |
|-------------------|---|----------------------------------|
| For the Applicant | : | Shri P.K. Patel, Advocate        |
| For the State     | : | Shri A.K. Swarnkar, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****30/11/2018**

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.375/2018 registered at Police Station Arang, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act.
3. Case of the prosecution, in brief is that on 19/08/2018 prosecutrix was more than 17 years old. She is resident of village Kosam Khuta. On 19/08/2018 applicant took her forcibly, put the Vermilion on her forehead at Shiv Temple. He kept her as wife and committed sexual intercourse with 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. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC, on 19/08/2018 she had left her paternal house on account of quarrel with her family members. She called applicant near the canal. She had told him that he performed marriage with her

otherwise she will commit suicide thereafter they performed the marriage.  
She was living with him as his wife.

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