

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9152 of 2018**

1. Vikas Yadav @ Uday Prakash S/o Nekse Aged About 19 Years Caste- Ahir, R/o Village- Dupta Khurd, Post- Dupta Kala, Police Station- Rajpura, District- Sambhal, Uttar Pradesh., Uttar Pradesh
2. Mangal Singh S/o Late Mohar Singh Kushwaha Aged About 21 Years R/o Village- Barsar, Police Station- Kotar, District- Jaloun, Uttar Pradesh, Present R/o Devnagar, Police Station- Surajpur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Ramanujnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicants	: Shri A.K. Shukla, Advocate.
For Non-applicant	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.12.2018

1. Case diary not produced. Counsel for the applicant furnished photocopy of the charge sheet.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. The applicant has been arrested in connection with crime No. 79/2018 registered at Police Station – Police Station- Ramanujnagar, District- Surajpur, (C.G.) for the offence punishable under Section 363, 366/34, 376 of the Indian Penal Code and Sections 4, 6 of the POCSO Act.
4. Case of the prosecution, in brief is that on 22.05.2018 prosecutrix was more than 16 years old. She is resident of village Ramanujnagr. On 22.05.2018 she had left her parental house and gone with applicant No. 2 Mangal Singh to different places of U.P., they had relationship like brother and sister. During residing in Hawetpur, U.P. she performed marriage with applicant No. 1 Vikash Yadav. They lived like husband and wife. Applicant No. 1 Vikash committed sexual intercourse with her.
5. Learned counsel for the applicants submits that applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. As per the photocopy of the arrest memo of the applicants which is part of the charge sheet it has been mentioned that no antecedent has been reported against them.
8. 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 each 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE