

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9072 of 2018**

Kunal Thulkar S/o Rajesh Thulkar Aged About 21 Years R/o Housing Board Colony, Jawahar Nagar, Police Station Jamul, Tahsil And District - Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through The District Magistrate, District Durg, District - Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Jitendra Gupta, Advocate
For the State	:	Shri Neeraj Sharma, Dy. G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06/12/2018**

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.858/2018 registered at Police Station Supela, District Durg (C.G.) for the offence punishable under Section 376 of IPC and Section 3,4,5 (अ) of POCSO Act.
3. Case of the prosecution, in brief is that on on 29/07/2018 prosecutrix was more than 17 years of age. She is resident of Camp No.1, Odiya Mohalla, Bhilai. From 29/07/2018 to onwards applicant committed repeatedly sexual intercourse with her on pretext of marriage. As per the true copy of the statement of the prosecutrix under Section 164 of CrPC she and applicant used to like each other. He has not committed any wrong act 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. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge