

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8936 of 2018**

Talib Khan S/o Sheikh Rasood Khan Aged About 20 Years R/o Ward No. 4 Kandrapara ,chhuikhadan ,post Office And Police Station And Tahsil Chhuikhadan ,district Rajnandgaon Chhattisgarh.(As Per Charge Sheet), District : Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police Station Chhuikhadan District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri Satish Gupta, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/12/2018**

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.06/2018 registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 & 109 of IPC and 4/6 of POCSO Act.
3. Case of the prosecution, in brief is that on 03/01/2018 prosecutrix was more than 17 years old. She is resident of village Sakha. On 03/01/2018 she had called applicant for meeting. She left her parental house and joined the company of applicant. Thereafter they performed the marriage in Patal Bhairvi Temple. They started to live like husband and wife. Applicant had committed sexual intercourse with her. Sexual intercourses had been done on her wish and will.
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 certified copy of the statement of the prosecutrix, which is part of the bail application she turned hostile.
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