

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9126 of 2018

- Umashankar Rai @ Fukar S/o Ashok Rai Aged About 20 Years Caste Satnami R/o Bharuwaguda, P. S. Mungeli District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Awadh Tirpathi, Advocate.
For Non-applicant	: Mr. S.K. Mishra, 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 applicant 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. 228/2018 registered at Police Station City Kotwali, District Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the POCSO Act.
4. Case of the prosecution, in brief is that on 19.05.2018 prosecutrix was below 15 years of age. She is resident of village Chatar Khar. There was love affair between her and applicant. On 19.05.2018 she left her parental house. He took her and committed sexual intercourse with her.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he 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 applicant which is part of the charge sheet it has been mentioned that no antecedent has been reported against him.
8. As per the certified copy of the statement of the prosecutrix recorded by the trial Court she turned hostile and not supported the prosecution case.
9. Looking to these 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 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.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE