

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9207 of 2018**

Budhsagar @ Bhu Sagar Giri S/o Shri Delarpal @ Duhan Giri Aged  
About 20 Years R/o Nawanagar, Police Station Darima, District  
Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh  
---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police  
Station Civil And Revenue Darima, District Surguja Chhattisgarh  
---- **Respondent**

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

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

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

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.143/2017 registered at Police Station Darima, District Surguja (C.G.) for the offence punishable under Section 363, 366, 376 (2) (a) of IPC and Section 5 (a)/06 of POCSO Act.
3. Case of the prosecution, in brief is that on 17/11/2017 prosecutrix was below 16 years of age. She is resident of village Nawanagar Bawapara. On 17/11/2017 about 7-8 p.m. applicant took her by pressing her mouth in the field of Latigiri and committed forcibly sexual intercourse with her. He confined her in his house, thereafter he took her in village Silfili and committed forcibly 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 true copy of statement of the prosecutrix, her father, her mother which are the part of the bail application, though turned hostile and do not support the prosecution case. Prosecutrix says that appellant

had committed nothing with her.

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