

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9128 of 2018**

Ghanshyam @ Ghanshi Rathiya S/o Shri Govind Rathiya Aged About
20 Years R/o Vijay Nagar Charakpur Police Station -Kapu District
Raigarh Chhattisgarh. ---- **Applicant**

Versus

State Of Chhattisgarh Through S.H.O. Of The Police Station Kapu
And District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.
---- **Respondent**

For the Applicant : Shri Abhishek Saraf, Advocate
For the State : Shri R.K. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07/12/2018**

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.62/2018 registered at Police Station Kapu, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 07/02/2018 prosecutrix was more than 16 years old. She is resident of village Chatakpur. She used to like applicant. There was a love affair between them. On 07/02/2018 she had left the parental house and joined the company of applicant. He had committed repeatedly sexual intercourse with her.
4. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC she had told to him that he would take her otherwise she will consume the poison.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
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