

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9204 of 2018**

Akash Ekka S/o Ramlal Ekka Aged About 22 Years R/o Village
Pratapgarh, Darripara, P. S. And Tehsil Sitapur, District Surguja
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Sitapur, District Surguja Chhattisgarh

---- Respondent

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri R.K. Pandey, Panel Lawyer

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.104/2018 registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Sections 363, 366, 506, 376 (2)(n) of IPC & 5L/6 of POCSO Act.
3. Case of the prosecution, in brief is that on 08/07/2018 prosecutrix was below 16 years of age. She is resident of village Chidapara. She and applicant were talking with each others. She had left her parental house and went to applicant's house on pretext of marriage. He committed repeatedly sexual intercourse with her. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC nothing wrong was happened 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