

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 218 of 2019**

Girdhar @ Chotu Nishad S/o Chintaram Nishad Aged About 22 Years
R/o Urfa ,chowki Kandraka ,police Station Berla ,district Bemetara
Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,chowki
Kandraka ,police Station Berla District Bemetara Chhattisgarh .,
District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjeev Kumar Sahu, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/01/2019**

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.98/2018 registered at Chowki Kandraka, Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 363, 366(A), 376 of IPC and under Section 5(L), 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 08/04/2018 prosecutrix was more than 17 years old. She is resident of village Ufara. On 08/04/2018 applicant took her on pretext of marriage and committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicant submits that he is 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