

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 453 of 2019**

Shivkumar Dubey S/o Kunjram Dubey Aged About 62 Years R/o Paizania, P. S. Lormi, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Lormi, Tehsil Lormi, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Pallav Mishra, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer
For informant	:	Shri Akhtar Hussain, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

19/03/2019

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.438/2018 registered at Police Station Lormi, District Mungeli (C.G.) for the offence punishable under Sections 376, 342/34 of IPC and Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 13/09/2018 prosecutrix was below 15 years of age. She is resident of village Paizania. On 13/09/2018 onwards co-accused Mahendra Dubey committed sexual intercourse with her on pretext of marriage. On 15/10/2018 applicant had wrongfully confined her in his house.
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. Counsel for the informant opposes the bail application.
7. *Prima facie* there is no material available on record on strength of which it

can be said that alleged act of applicant amounts to assist, or abate to any crime.

8. 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde