

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 281 of 2019**

- Jai Kumar Patel S/o Heeralal Patel Aged About 22 Years Caste- Marar, R/o Village- Piproud, Police Station- Sankara, Tahsil- Pithora, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Sankara, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Surfraj Khan, Advocate
For Non-applicant	: Mr. Ashutosh Pandey. Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 143/2018 registered at Police Station – Sankara District Mahasamund (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that in July, 2015, prosecutrix was about 16 years of age. She is resident of village Kanchanpur. They were in contact with each other by mobile phone. In July, 2015, applicant had committed sexual intercourse with her on pretext of marriage. Thereafter he committed repeated sexual intercourse with her on pretext of marriage. She became pregnant. Thereafter, he refused to accept her and child.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. Looking to these 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 Trial Court with the condition that he will 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