

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 450 of 2019**

Dinesh Kumar Dhruv S/o Tiharu Ram Dhruv Aged About 27 Years R/o  
Village Koudiya, P. S. Seepat, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Durg District  
Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Gupta, Advocate  
For the State : Shri Wasim Miyan, Panel Lawyer

-----  
**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****06/02/2019**

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.779/2015 registered at Police Station Durg, District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 5(᳚) & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 01/10/2015 prosecutrix was more than 16 years of age. At the time of alleged incident she was the resident of Nayapara Durg. On 01/10/2015 applicant took her by enticing on pretext of marriage and committed sexual intercourse with her.
4. As per photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC she had stated that there was a love affair between her and applicant. She had left her parental house without intimating to anyone. She had not stated about the sexual intercourse.
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