

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 400 of 2019**

Rajeshwar Giri, son of Bilkhu Giri, aged about 19 years, R/o village Ramnagara, P.S. Kusmi, District Balrampur Ramanujganj (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kusmi, District Balrampur Ramanujganj (CG). **---- Non-applicant**

For Applicant : Mr. Jitendra Shrivastava, Advocate.
 For Non-applicant : Ms. M. Asha, Panel Lawyer
 For Informant : Mr. Vivek Shrivastava, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25.03.2019**

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 counsel for the State in connection with crime No.20/2018 registered at Police Station Kusmi, District Balrampur Ramanujganj for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 5(घ), 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 02.04.2018, the prosecutrix was below 16 years of age. She is a resident of village Ramnagara. On 02.04.2018 the applicant took her by enticing on the pretext of marriage and committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. However, she submits that no criminal antecedent is reported against the applicant in police case diary.
6. Counsel for the Informant submits that the informant has no objection if the applicant is released on bail.
7. As per true copy of statement of prosecutrix recorded under Section 164 of CrPC she had stated that she does not want to take any legal action against the applicant.
8. As per true copy of statement of prosecutrix recorded by the trial Court on 02.11.2018, which is a part of bail application, she had stated that the applicant had not committed any wrong act with her and she turned hostile.
9. Looking to above facts and circumstances of the case, the bail application is allowed. It is ordered 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

SD/-
 (Sharad Kumar Gupta)
JUDGE