

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 641 of 2019**

Premalal Dhruv S/o Ghanaram Dhruv Aged About 26 Years R/o Village Dandani, Thana Baloda Bazar, District Baloda Bazar Bhatapara CG

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Thana Palari, District Baloda Bazar Bhatapara CG

---- Respondent

For applicant	Mr. Deepak Jain, Adv.
For Respondent/State	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11-2-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 323/2018 registered in police station Palari, Distt. Baloda Bazar-Bhatapara (CG) for offence punishable under Section 363, 366(A), IPC and Section 4 of POCSO Act.
3. Perused the case diary.
4. Prosecution story in brief is that on 22-6-2018, the prosecutrix was more than 16 year of age. She is a resident of village Rohasi. On 22-6-2018, the applicant took her away on the pretext of marriage. They performed marriage in a temple. He committed sexual intercourse with her.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. As per photocopy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. she herself had gone with the applicant on her own wish and will. He has not committed any wrong act with the applicant. Hence he may be released on bail.
6. The State counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
7. Looking to the above facts and circumstances of the case, application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge