

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 483 of 2019

- Ramcharan Mourya S/o Lt. Soman Mourya Aged About 24 Years R/o Khalepara Village Devada P. S. Bhanpuri District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bhanpuri, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.02.2019

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. 120/2018 registered at Police Station – Bhanpuri, District Bastar, (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 16.09.2018, prosecutrix was more than 17 years old. On 16.09.2018 Applicant took her by enticing, on pretext of marriage. Thereafter he committed repeated sexual intercourse with her on pretext of marriage.
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. As per the true copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had eloped with the applicant. She had joined the company of the applicant on her wish and will.
7. As per the certified copy of the affidavit of the prosecutrix which is part of the bail petition it has been stated that applicant had not committed rape with her, she wants to marry with him.
8. 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE