

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 779 of 2019**

Prem Nirmalkar S/o Gopilal Nirmalkar Aged About 20 Years R/o Panchshil Nagar, In Front Of Devdas Kirana Store, Durg Police Station Durg District Durg Chhattisgarh Present Address Panchshil Nagar, In Front Of Devdas Kirana Store, Durg Police Station Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Khursipar (Bhilai), District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vijay Kumar Sahu, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/02/2019**

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.757/2018 registered at Police Station City Kotwali Durg, District Durg (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 3, 4 of POCSO Act.
3. Case of the prosecution, in brief is that on 16/09/2018 prosecutrix was more than 16 years of age. She is resident of Baijnathpara, Durg. On 16/09/2018 about 01.30 a.m. applicant took her at Collectorate premises Durg and on pretext of marriage committed sexual intercourse with her. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC, she and applicant has liking for each other. She wants to marry with him. Sexual intercourse was committed on her wish and will.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

6. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde