

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 625 of 2019**

Sikander Joshi S/o Shri Moti Chand Joshi Aged About 20 Years R/o Village Bhainsa, P. S. Kharora Raipur, District (Revenue And Civil), Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kharora Raipur, District (Revenue And Civil), Raipur Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Yogesh Pandey, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/02/2019**

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.104/2018 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 07/03/2018 prosecutrix was more than 17 years of age. She is resident of village Alesur. There was love affair between her and applicant. On 07/03/2018 applicant took her by enticing on pretext of the marriage thereafter he committed repeatedly sexual intercourse with her.
4. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC she had phoned applicant to elope. They have performed marriage in Giroudhpuri temple. After the marriage he had committed sexual intercourse on her will and wish she does not want any action against the applicant.
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 three other criminal cases have been registered against the applicant out of which one under IPC and two under CrPC.

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 two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Court with the condition that he will not involve himself in such type of crime in future, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde