

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 679 of 2019**

Chandrakumar Yadav S/o Shri Shatrughan Yadav Aged About 20 Years
R/o Village Karupan ,police Station ,city Kotwali ,mungeli ,district
Mungeli ,chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Mungeli
Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ashutosh Trivedi, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/02/2019**

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.573/2018 registered at Police Station City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 363 & 376 of IPC and Section 04 and 06 of POCSO Act.
3. Case of the prosecution, in brief is that on 28/11/2018 prosecutrix was more than 17 years of age. She is resident of village Karupan. On 28/11/2018 applicant took her by enticing saying that would go Bilaspur for roaming. Thereafter he took her Bhopal. He committed sexual intercourse with her. As per the statement of the prosecutrix recorded under Section 164 of CrPC she had stated that there was love affair between her and applicant. They had planned to go outside. She had gone on her wish and will. He has performed marriage with her.
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