

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 705 of 2019**

Dhaneshwar Nirala S/o Ramnivas Nirala Aged About 23 Years R/o
Village - Dhanoura, Thana And Tahsil - Bilaigarh, District - Baloda
Bazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Thana -
Kosir, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For the Applicant	:	Ms. Sharmila Singhai, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14/02/2019**

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.205/2018 registered at Police Station Kosir, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 (2) (a) of IPC and read with Section 4,6 of POCSO Act.
3. Case of the prosecution, in brief is that on 19/09/2018 prosecutrix was more than 17 years of age. She is resident of village Dahida. She and applicant had liked each others. On 19/09/2018 she had left her matrimonial house. She and he went to village Rengali. He had committed repeatedly sexual intercourse with her on pretext of the marriage.
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