

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 711 of 2019**

Dashrath Rao S/o Ramayan Rao Aged About 24 Years Caste Kurmi
R/o Mauhadodha Police Station Sarangarh ,district Raigarh CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station
Maalkarauda ,district Janjgir Champa Chhattisgarh

---- Respondent

For applicant	Mr. Dharmesh Shrivastava, Adv.
For non-applicant/State	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14-2-2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 213/2018 registered in police station Malkharauda, Distt.Janjgir Champa (CG) for offence punishable under Section 363, 376(n) of the IPC, S. 4 of the POCSO Act.
3. Prosecution story in brief is that on 24-9-2018, prosecutrix was more than 16 years of age, she is a resident of village Bade Seepat. The applicant and complainant used to talk each other on mobile phone. On 24-9-2018, applicant took her on pretext of marriage. At that time, co-accused Jitendra Bariha was also along with the applicant. She and the applicant performed marriage in a temple. He had committed repeated sexual intercourse with her.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. Looking to the above facts and circumstances of the case, as the trial will take its own time, application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge