

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 710 of 2019**

- Deepak Choudhary S/o Sanman Choudhary Aged About 19 Years R/o Katinda, Police Station Lakhanpur District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer ,police Station Lakhanpur ,district Surguja Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-3-2019**

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. 103/2018 registered in police station Lakhanpur, Distt. Sarguja (CG) for offence punishable under Section 363, 366, 376(2)(b) of the IPC and Section 5(b)/6 of the POSCO Act.
3. Prosecution story in brief is that on 15-6-2018, prosecutrix was below 15 years of age. On 15-6-2018 at about 10 pm, applicant called her, took her on the pretext of marriage and committed repeatedly sexual intercourse with her. As per statement of the prosecutrix dated 16-1-2019 recorded by the trial Court, she has turned hostile and stated that the applicant had committed nothing 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. Counsel for the informant submits that informant has no objection if the applicant is granted bail.
7. Looking to the above facts and circumstances of the case, as trial will take its own time, the 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.
8. CC as per rules.

Sd/-

(Sharad Kumar Gupta)

Judge