

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 885 of 2019**

Keshav Kavi S/o Late Mohit Kavi Aged About 20 Years R/o Village
Bramhanpara Village Malgaon, P. S. Nagarnar District Bastar
Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Nagarnar, District
Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Tulsyan, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/04/2019**

1. After putting some questions this Court satisfied that the girl who is present in the Court is the informant.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.28/2018 registered at Police Station Nagarnar, District Bastar (C.G.) for the offence punishable under Section 341, 354(B), 376 and 506 of IPC and under Section 8 of POCSO Act and under Section 67(B) of IT Act.
4. Case of the prosecution, in brief is that on 19/01/2018 prosecutrix was below 15 years of age. She is resident of village Malgaon. On 19/01/2018 at about 11 a.m. at village Karit, applicant restrained prosecutrix, took her in Kaju plant got removed her cloth and taken her photograph when she was in undergarment. He had committed forcible sexual intercourse with her. He had also viral her photographs.
5. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC she had stated that applicant has not committed any wrong with her, during the repeated enquiry by her family member and Child Welfare Committee she had become annoyed and stated that

applicant had committed wrong act with her.

6. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, counsel for the State opposes the bail application. He further submits that two other criminal case have been registered against the applicant out of which one under IPC and another under Excise Act.
8. Informant submitted that she has the objection on releasing applicant on bail.
9. 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 each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde