

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 884 of 2019**

- Ravi Kumar Gupta S/o Dev Kumar Gupta Aged About 19 Years R/o Village Ramchandrapur, P. S. Ramchandrapur, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ramchandrapur, District Balrampur-Ramanujganj Chhattisgarh

----Non Applicant

For the Applicant : Shri Akath Kumar Yadav, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**12.03.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 27/2018 registered at Police Station- Ramchandrapur, District-Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 363, 366(2) (n), 376 r/w 34 of Indian Penal Code and Section 4 & 6 of the Pocso Act.
3. Case of the prosecution, in brief is that on 17.08.2018 prosecutrix was more than 16 years of age. She is resident of village Vishunpur. There was intimacy between her and applicant. In the intervening night of 16/08/2018 and 17/08/2018 he took her and committed sexual intercourse with her. As per the certified copy of the statement of the prosecutrix dated 04/01/2019 recorded by trial Court, she had stated in Examination-In-Chief that applicant had not committed any act with her.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court with the condition that he will 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

Parul