

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1187 of 2019**

Chhotu Patel S/o Late Ganesh Patel Aged About 25 Years R/o
Tikarapara, Kansa Chowk, Police Station City Kotwali, Tahsil And
District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station City Kotwali, District - Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/03/2019**

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.491/2018 registered at Police Station City Kotwali, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 8 of POCSO Act.
3. Case of the prosecution, in brief is that on 12/11/2018 prosecutrix was more than 17 years of age. She is resident of Kansa Chowk, Tikrapara, Bilaspur. There was love affair between her and applicant. On 12/11/2018 he took her by enticing on pretext of marriage and committed repeatedly sexual intercourse with her.
4. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC she had gone to the applicant. She had left her paternal house voluntarily.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that one another criminal case under IPC has been registered against the applicant.
7. 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 for a sum of Rs. 25,000/- each 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 such type of crime in future, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge