

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1095 of 2019**

Umesh Kumar Sahu S/o Brijraj Sahu Aged About 22 Years R/o Village
 Bhainsatara, Post Office And Police Station Rajim, District Gariyaband
 Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
 Station Rajim, District Gariyaband Chhattisgarh

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/02/2019**

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.211/2018 registered at Police Station Rajim, District Gariyaband (C.G.) for the offence punishable under Sections 376/417 of IPC, 4 & 6 of the POCSO Act and 3(2)(v) of SC & ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that in the year 2016 prosecutrix was about 16 years of age. There was a love affair between her and applicant. From 2016 to 2018 applicant had committed repeatedly sexual intercourse with her. Prosecutrix became pregnant. He refused to marry with her. Prosecutrix is the member of Scheduled Tribe. As per the true copy of the affidavit of prosecutrix dated 11/09/2018 which is part of the bail application, both the families are agreed to perform marriage of prosecutrix and applicant in future.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents 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 the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall 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