

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1180 of 2019**

Khilesh Kanwar S/o Shri Raghunandan Kanwar Aged About 34 Years
R/o Village Reewagahan Police Station Bhakhara, District Dhamtari
Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer ,police
Station City Bhakhara District Dhamtari Chhattisgarh., District :
Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Patel, 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.212/2018 registered at Police Station Bhakhara, District Dhamtari (C.G.) for the offence punishable under Sections 363, 376, 366 of IPC and under Section 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 14/09/2018 prosecutrix was more than 17 years of age. She is resident of village Bhendra. On 14/09/2018 applicant took her by enticing on pretext of marriage and committed repeatedly sexual intercourse with her.
4. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC she had eloped from her paternal house. He had not committed any act with her forcefully. They have performed marriage in a temple.
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 no criminal antecedents 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 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.

Sd/-
(Sharad Kumar Gupta)
Judge