

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1235 of 2019**

Dulari Markam S/o Late Munshi Singh Aged About 23 Years R/o
Kota Gouvan Sajanpara, Police Station Kota, Tahsil Kota, District
Bilaspur CG

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Ratanpur, District Bilaspur Chhattisgarh

---- Respondent

For applicant	Mr. Rajeev Kumar Dubey, Adv.
For non-applicant/State	Mrs. M. Asha, PL.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19-3-2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 205/2018 registered in police station Ratanpur, Distt. Bilaspur (CG) for offence punishable under Section 363, 366, 376 of IPC and Section 4 and 6 of the POCSO Act.
3. Prosecution story in brief is that 23-5-2018 prosecutrix was more than 17 years of age. Now she is resident of village Pondi. There was love affair between her and the applicant. On 23-5-2018 she had gone to the house of the applicant along with friend of the applicant. The applicant took her to some places and committed repeatedly sexual intercourse with her.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. As per photocopy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., they have performed marriage in a Temple at Pune. She does not want any action against her husband-applicant and inclined to live with him.
7. Looking to the above facts and circumstances of the case, as the trial will take its own time, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge