

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1339 of 2019**

Rameshwar Kumbhkar @ Raj, aged about 27 years, Son of Sanat Kumar,
R/o Village Bhingbhor, Police Station Sahaspur, Lohara, District
Kabirdham (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station
Pipariya, District Kabirdham (CG). **---- Non-applicant**

For Applicant : Mr. Vinay Pandey, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.350/2018 registered at Police Station Pipariya, District Kabirdham for the offence punishable under Sections 363, 366, 376(2)(e) of IPC and Section 6 of POCSO Act, Section 3(2)(5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 22.11.2018, the prosecutrix was more than 17 years of age. She is a resident of village Domanpur. She and applicant had liked to each other. On 15.11.2018, she and he had performed the marriage at Bhoramdev Temple. On 22.11.2018 she had left her parental house and went along with him to village Gadasadai. He committed repeatedly sexual intercourse with her. She is a member of Scheduled Caste.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per enclosed photocopy of statement of the prosecutrix recorded under Section 164 of CrPC, the applicant had committed sexual intercourse with her on her own will and wish.
7. Looking to the above facts and circumstances of the case, 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. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-