

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1396 of 2019**

Chandra Pratap Singh @ Bitul Singh, S/o Shri Balkeshwar Singh, aged about 27 years, Caste Rajput, R/o Village Harkpur, Police Station Asta, District Jashpur (CG). **---- Applicant**

Versus

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

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.03.2019

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.27/2018 registered at Police Station Asta, District Jashpur for the offence punishable under Sections 363, 366, 376, 506B of IPC, Section 3(2)(5) of SC/ST Act and Section 4 of POCSO Act.
3. Case of the prosecution, in brief is that on 20.07.2018, the prosecutrix was more than 16 years of age. She is a resident of village Kotadihi. On 20.07.2018, the applicant took her and co-accused Kanchan to forest. The applicant went away from there by motorcycle. In the forest, co-accused Kanchan committed forcibly sexual intercourse with her. After some time, the applicant again came there by motorcycle and took back the prosecutrix and co-accused Kanchan to Harkpur. Thereafter, co-accused Kanchan in his own house at village Harkpur again committed forcibly sexual intercourse with her.
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 of the applicant is reported in police case diary.
6. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE