

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1399 of 2019

Vikas, S/o Harkhu Ram, aged about 22 years, R/o Village Parsa, P.S. Kotwali, Tahsil Ambikapur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Ambikapur, District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. Aditya Bhardwaj, Advocate.
For Non-applicant	: Mr. Wasim Miyan, 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.850/2016 registered at Police Station Ambikapur, Surguja for the offence punishable under Sections 363, 366, 376(2)(g) of IPC and Section 5(I)/6 of POCSO Act.
3. Case of the prosecution, in brief is that on 17.12.2016, the prosecutrix was more than 16 years of age. She is a resident of village Bhakura. On 17.12.2016, the applicant took her by enticing on the pretext of marriage and committed 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. As per statement of prosecutrix recorded under Section 164 of CrPC on 17.12.2016, she and applicant went to do labour work and she had not stated anything about the sexual intercourse committed by him.
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/-