

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1891 of 2019**

Askaran Diwakar S/o Chetan Aged About 24 Years R/o Village Guna,  
P.S.- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

**---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station  
City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

**---- Respondent**

|                   |   |                                      |
|-------------------|---|--------------------------------------|
| For the Applicant | : | Shri Atul Kumar Kesharwani, Advocate |
| For the State     | : | Shri Wasim Miyan, Panel Lawyer       |

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****08/04/2019**

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.46/2019 registered at Police Station City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 363, 366, 376 of IPC & Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 02/01/2019 prosecutrix was more than 17 years of age. She is resident of village Guna. There was love affair between her and applicant. On 02/01/2019 he took her by enticing on pretext of marriage. He put vermilion on her forehead. Thereafter he committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. As per true copy of the statement of the prosecutrix recorded under Section 164 of CrPC she had stated that on account of quarrel with her parents she had left her paternal house voluntarily. No offence was committed with her.
7. Looking to the above-mentioned 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