

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1676 of 2019**

Santosh Tandon @ Baba S/o Shri Dwarika Prasad Tandon Aged About 30 Years R/o Vinaypur, Police Station- Anda, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.C. Sahu, Advocate
For the State	:	Shri Apoorva Goyal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27/03/2019

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.301/2018 registered at Police Station Gunderdehi, District Balod (C.G.) for the offence punishable under Sections 363, 366, 376, 109 of IPC and Section 4, 5, 6 & 17 of POCSO Act.
3. Case of the prosecution, in brief is that on 02/11/2018 prosecutrix was more than 17 years of age. She is resident of village Sirsida. Prior to one year applicant had committed repeatedly sexual intercourse with her on pretext of marriage. On 02/11/2018 he took her in the temple at Dongargarh. He put vermilion on her forehead and put necklace (Mangalsutra) around her neck.
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. Looking to the 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge