

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1601 of 2019**

Bhupendra Devdas @ Raja Gandharv S/o Rajju Aged About 22 Years
R/o Village Kesali, P.S. Suhela, District- Balodabazar-Bhatapara,
Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Sarswati Nagar, Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sudhir Sahu, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/03/2019**

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.207/2018 registered at Police Station Sarswati Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 20/11/2018 prosecutrix was more than 16 years of age. She is resident of Sarswati Nagar, Raipur. There was the love affair between her and applicant. On 20/11/2018 applicant took her on pretext of marriage. He committed repeatedly sexual intercourse with her. She is inclined to live with him.
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 the statement of the prosecutrix recorded under Section 164 of CrPC she had left her paternal house without intimating anyone. She had gone to her uncle's house at Pune. Nothing was happened with her.

7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde