

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2002 of 2019**

Shiv Prasad S/o Ajmer Singh Aged About 19 Years Caste- Baland, R/o Chul, Police Station- Kotadol, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Kotadol, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dashrath Kushwaha, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/05/2019**

1. Informant-Jagdish Singh absent though notice has been served to him.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.18/2018 registered at Police Station Kotadil, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
4. Case of the prosecution, in brief is that two years prior from 25/04/2018 prosecutrix was below 16 years of age. She is resident of village Chyul. Applicant had committed sexual intercourse with her prior to two years from 25/04/2018 to 25/04/2018 on pretext of the marriage. On 25/04/2018 applicant took her and committed sexual intercourse with her.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. As per certified copy of the statement of the prosecutrix recorded by the trial Court she turned hostile. She had not stated about alleged sexual intercourse prior to two years from 25/04/2018 to 25/04/2018.

8. 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde