

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1675 of 2019**

Pujari S/o late Radhika, aged about 22 years, Caste Bheema, Occupation Cultivator, R/o Village Kunjnagar, Police Station Jainagar, Tahsil and District Surajpur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Police Station Jainagar, District Surajpur (CG).
---- Non-applicant

For Applicant	: Mr. Gyan Prakash Shukla, Advocate.
For Non-applicant	: Mr. Apurv Goyal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.03.2019

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.23/2019 registered at Police Station Jainagar, District Surajpur for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 23.01.2019, the prosecutrix was aged about 17 years old. She is a resident of village Darripura Jainagar, District Surajpur. There was love affair between her and the applicant. On 23.01.2019 he took her by enticing on the pretext of marriage. They performed the marriage at Ambikapur Court. He had committed repeatedly 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. He further submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per true copy of an affidavit dated 24.01.2019, which is a part of bail application, the prosecutrix and applicant had performed the marriage in Mahamaya Temple at Ambikapur and they started to live as a husband and wife.
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/-