

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1808 of 2019**

Amjad Khan S/o John Mohammad Aged About 21 Years R/o Muradpur,
Police Station Maniyari, District - Mujaffarpur (Bihar), Present R/o
Dabripara Chowk, Hardibajar, Outpost - Hardibajar, District - Korba
Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Police Station -
Sc/st Welfare Police Station, District - Korba Chhattisgarh., District :
Korba, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Lalit Jangde, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/04/2019**

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.20/2019 registered at Police Station Pali, District Korba (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act and Section 3(2)(5) of Prevention of SC/ST Atrocities Act.
3. Case of the prosecution, in brief is that on 04/01/2019 prosecutrix was more than 17 years of age. She is resident of village Barsibar. She had love affair with applicant. Earlier she had gone to the house of applicant without intimating her family members. On 04/01/2019 at about 9 p.m. she again gone to the applicant without intimating her family members. On 28/01/2019 they have performed Nikah at Mujaffarpur (Bihar) they have started living as husband and wife. He had committed repeatedly sexual intercourse with her. She is member of Scheduled Caste.
4. As per the statement of the prosecutrix recorded under Section 164 of CrPC she had stated that become annoyed she had left her paternal house and gone Dipka alone. Nothing wrong was happened 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 one another criminal case under IPC, POCSO Act and SC/ST (Prevention of Atrocities) Act has been registered against the applicant.
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