

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1666 of 2019**

Ajay Rao Maratha, son of Chhannu Rao Maratha, aged about 25 years, R/o Village Boriya, at present R.D.A. Colony Boariyakhurd, House No.L-101, Police Station Tikrapara, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Tikrapara, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant	: Ms. Sunita Sahu, Advocate.
For Non-applicant	: Mr. Wasim Miyan, 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.70/2019 registered at Police Station Tikrapara, Raipur, District Raipur for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 01.10.2018, the prosecutrix was more than 17 years of age. She is a resident of village Boriyakhurd. There was love affair between her and applicant. On 01.10.2018, he took her by enticing on the pretext of marriage. They performed the marriage in Temple. He committed repeatedly sexual intercourse with her. She is living with him on her own will and she does not want to take any legal action against him.
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 alleged true copy of *Sahamati Patra*, which is a part of the bail application, the mother of prosecutrix and mother of the applicant and their family members had accepted the relation of the applicant and prosecutrix.
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/-