

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1744 of 2019**

Daulat Ram Verma S/o Baldev Verma Aged About 23 Years R/o Patharrikhurd, Police Station Parpodi, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Parpodi, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Pradeep Singh Rathore, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/03/2019**

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.77/2018 registered at Police Station Parpodi, District Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 5,6 of POCSO Act.
3. Case of the prosecution, in brief is that on 18/09/2018 prosecutrix was more than 16 years of age. She is resident of village Patharrikhurd. There was love affair between her and applicant. On 18/09/2018 applicant took her by enticing on pretext of marriage in Matarani temple. He put vermilion on her forehead and put necklace (Mangalsutra) around her neck. He committed forcible sexual intercourse with her on pretext of marriage. As per the statement of the prosecutrix recorded under Section 164 of CrPC he had not committed forcible sexual intercourse with her. They have been performed marriage.
4. As per the certified copy of the order of Special Judge, Bemetara dated 04/02/2019 the parents of the prosecutrix had filed consent letter and stated that they have no objection on granting bail to the applicant.
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. 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