

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1857 of 2019**

- Aman Kumar S/o Late Udal Sai Aged About 18 Years Aged About 18 Years 6 Months, Caste Ghasiya, R/o Village Satpata Sarnapara, P. S. Vishrampur, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Vishrampur District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Shakti Raj Sinha, Advocate
For Non-applicant	: Mr. Washim Mlyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.04.2019

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 learned counsel for the State in connection with crime No. 19/2019 registered at Police Station – Vishrampur District Surajpur (C.G.) for the offence punishable under Sections 366, 376 of the Indian Penal Code and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 16.08.2018, prosecutrix was more than 16 years old. She is resident of village Jainagar. On 16.08.2018, he took her by enticing, on pretext of marriage. Thereafter he had committed repeated sexual intercourse with her on pretext of marriage, she became pregnant. Thereafter he refused to marry her.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. Looking to these 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 Trial Court with the condition that he will 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.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE