

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1874 of 2019**

Mathu Ram S/o Bhadai Ram Aged About 36 Years Caste Agariya, R/o Village Manja, Police Station Bataoli, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Vijeta Sahu, Advocate appearing on behalf of Shri Sanjeev Kumar Sahu, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/05/2019**

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.166/2018 registered at Police Station Bagicha, District Jashpur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act.
3. Informant Khirau Ram absent though notice has been served upon him.
4. Case of the prosecution in brief is that on 20/10/2018 prosecutrix was below 16 years of age. She is resident of village Murhi. On 20/10/2018 applicant took her by enticing on pretext of the marriage and committed sexual intercourse 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 no criminal antecedents against the applicant.
7. As per the certified copy of the statement of the prosecutrix recorded by the trial court she turned hostile and did not support the prosecution case. She had stated that applicant did not take her and not committed

any act with her.

8. Looking to the above mentioned 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde