

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1867 of 2019

- Bhuneshwar Kosle S/o Prahlad Kosle Aged About 20 Years R/o Village Kapisda, Police Station Bamhnidih, District Jangir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Doundi, District Balod Chhattisgarh

----Non Applicant

For the Applicant : Shri F.S. Khare, Advocate

For Non Applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board03.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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.86/2018 registered at Police Station- P.S. Doundi, District- Balod (C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 25.12.2018 prosecutrix was more than 16 years of age. She is resident of village Dhotimtola. She and applicant had liking for each other. On 25.12.2018 she had phoned applicant that she is coming Bilaspur. She left her paternal house without intimating her family members. She went along with applicant in his house. He committed sexual intercourse with her.
4. Learned counsel for the applicant submits that 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, submits that there is no criminal antecedent against the applicant in police case diary.
6. 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul