

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2102 of 2019**

Somdev, S/o Ganesh Ram Sahu, aged about 24 years, R/o Village Dharampura,
P.S. Navagarh, District Bemetara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Navagarh,
District Bemetara (CG). **---- Non-applicant**

For Applicant	: Mr. B.P.Singh, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.04.2019

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 counsel for the State in connection with crime No.78/2017 registered at Police Station Navagarh, District Bemetara for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, 6 & 12 of POCSO Act.
3. Case of the prosecution, in brief is that on 06.04.2017, the prosecutrix was more than 16 years of age. She is resident of village Dharampura. There was love affair between her and applicant. On 06.04.2017, he took her by enticing on pretext of the marriage and committed repeatedly sexual intercourse with her. He had put vermilion on her forehead.
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. However, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per true copy of statement of prosecutrix recorded under Section 164 of CrPC, she herself joined accompany of the applicant and went to Pune along with him. He had not committed any wrong act with her and she does not want to take any legal action against him.
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/-