

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2104 of 2019**

Yashkumar Chandrawanshi S/o Baldou Chandrawanshi Aged About 19
Years R/o Ward No. 3, Pandatarai, District- Kabirdham, Chhattisgarh.,
District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Pandatarai, District- Kabirdham, Chhattisgarh., District : Kawardha
(Kabirdham), Chhattisgarh .

---- Respondent

For the Applicant	:	Shri SRJ Jaiswal, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/05/2019**

1. Allegedly informant-prosecutrix is present.
2. After putting some questions this Court satisfied that the person who is present in the Court is informant-prosecutrix.
3. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
4. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.33/2019 registered at Police Station Pandatarai, District Kabirdham (C.G.) for the offence punishable under Sections 452, 376, 506 of IPC and Section 3, 4 of POCSO Act.
5. Case of the prosecution, in brief is that on 28/02/2019 prosecutrix was below 16 years of age. She is resident of village Nayapara. On 28/02/2019 applicant entered in her house, gave threats to kill her and committed forcible sexual intercourse with her.
6. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
8. Informant-prosecutrix submitted that applicant may be released on bail.
9. As per true copy of the statement of the prosecutrix recorded under Section 164 of CrPC, applicant had come in her house to give the question paper, she had signed on Police report without reading it. Now she does not want any action against him.
10. 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.

11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde