

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2044 of 2019**

- Kanhai Kumar Kushwaha S/o Nagina Prasad Aged About 21 Years R/o Tengrari (Wrongly Mentioned As Tengrali), Police Station Sivai Patti, District- Mujaffarpur, Bihar **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Bhatapara (Gramin), District- Baloda Bazar- Bhatapara, CG **---- Respondent**

For applicant	Mr. Anil Gulati, Adv.
For non-applicant/State	Mr. S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****9-4-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 223/2018 registered in police station Bhatapara (Gramin), Distt. Baloda Bazar-Bhatapara (CG) for offence punishable under Sections 363, 366, 376 of IPC and Section 4 and 6 of the POCSO Act.
3. Prosecution story in brief is that on 17-7-2018, the prosecutrix was more than 17 years of age. She is resident of village Khapradih. She and applicant liked each other. On 17-7-2018 applicant took her by enticing on pretext of marriage. Thereafter he committed repeated sexual intercourse with her on pretext of marriage but did not marry her.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. Looking to the above facts and circumstances of the case, 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.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge