

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2079 of 2019**

Satyanarayan Chouhan S/o Shri Anadi Chouhan Aged About 24 Years
Occupation Student R/o Village Katangpali, Police Station Sariya,
Tahsil Baramkela, District Raigarh Chhattisgarh, District : Raipur,
Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The Officer In Charge Of Police
Station Sariya, District Raigarh Chhattisgarh, District : Raigarh,
Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Roop Naik, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**08/04/2019**

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.239/2018 registered at Police Station Sariya, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 (2) (N) of IPC and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 30/10/2018 prosecutrix was more than 17 years of age. She is resident of village Bonda. There was love affair between her and applicant. On 10/10/2018 she had gone to applicant. Thereafter they performed marriage in Chandrapur temple and they live as husband and wife. Applicant committed sexual intercourse with her.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. As per the true copy of the statement of the prosecutrix dated 08/03/2019 recorded by the trial Court, she turned hostile and stated that nothing was happened with her, she had gone alone Chandrapur.

7. Looking to the aforesaid 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde