

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2074 of 2019**

Dharmendra Sahu S/o Chaituram Sahu Aged About 30 Years R/o Fandwani Kapa, P. S. City Kotwali Mungeli District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Mungeli District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Pallav Mishra, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**09/04/2019**

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.114/2019 registered at Police Station City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Sections 376, 323, 506, 495 of IPC and Section 4,6 of POCSO Act.
3. Case of the prosecution, in brief is that in the month of February 2016 prosecutrix was not less than 16 years of age. She is resident of village Kundwani Kapa. In the month of February 2016 when prosecutrix was alone in her house, applicant entered in her house pressed her mouth, threatened kill to her, committed sexual intercourse with her on pretext of marriage, thereafter he committed repeatedly sexual intercourse with her on pretext of the marriage. Thereafter they performed marriage in a temple. He gave the birth a child.
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 statement of the prosecutrix recorded under Section 164 of

CrPC she was knowing that applicant is already married.

7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde