

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2401 of 2019**

- Kanchan Kumar Rajak S/o Harawan Rajak Aged About 24 Years
Caste - Dhobi, R/o Village - Barwadih, Police Station
Ramchandarpur, District Balrampur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station - Asta, District Jashpur Chhattisgarh

---- Respondent

For applicant Ms. Vijaiyata Sahu, Adv.
For non-applicant/State Mr. Vikram Dixit, GA.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16-4-2019**

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. 27/2018 registered in police station Asta, Distt. Jashpur (CG) for offence punishable under Section 363, 366, 376, 506-B of IPC., S. 3(2)(v) of the SCST Act and Section 4 of POCSO Act.
3. Prosecution story in brief is that on 20-7-2018 prosecutrix was more than 16 years of age. She is resident of village Kothadih. She is a member of scheduled tribe. On 20-7-2018 co-accused Chandra Pratap Singh alias Bitul Singh took her and applicant to forest. In the forest the applicant committed forcible sexual intercourse with her. After some time, co-accused Chandra Pratap Singh alias Bitul again came there on motorcycle and took back them to village Harakpur. Thereafter applicant again committed forcible sexual intercourse with her in his house at village Harakpur. Thereafter police personnel and father of the prosecutrix reached there and took the prosecutrix.
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 facts and circumstances of the case, as the trial will take its own time, 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