

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2359 of 2019**

Tarun Kumar @ Raja Nai S/o Bhim Nai Aged About 20 Years R/o Gangasagar Talab Par, Balod, Ward No. 16, Police Station And District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Prasoon Agrawal, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**16/04/2019**

1. This is second bail application under Section 439 of the CrPC. Earlier first bail application was dismissed as withdrawn by this Court on 15/01/2019 in MCRC No. 9601/2018.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.214/2018 registered at Police Station Balod District Balod (C.G.) for the offence punishable under Section 363, 366 and 376 of IPC and Section 5 (अ)/6 of POCSO Act and Section 3(1) (अ), 3(2)(v) of SC/ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 25/06/2018 prosecutrix was more than 17 years of age. She is resident of Amapara Balod. She is member of Scheduled Tribe. On 25/06/2018 applicant took her by enticing at Gondli Reservoir for roaming. On 26/06/2018 he again took her and committed repeatedly sexual intercourse with her on pretext of marriage. As per the statement of the prosecutrix recorded under Section 164 of CrPC they had developed physical relation and they had also performed marriage.
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 prosecutrix recorded by the trial court which is the part of bail application she turned hostile in trial Court she had stated in examination-in-chief that at the time of physical relation she had not stated anything.
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