

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2504 of 2019**

- Sanjay Balmit S/o Badluwa Aged About 20 Years R/o Nai Hattam, Police Station- Girwa, District- Banda, Uttar Pradesh., District : Banda, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Dabhra, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Anil Gulati, Advocate
For Non-applicant	: Mr. SRJ Jailswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.05.2019

1. The alleged informant- Saheb Lal Jatwar is present in person.
2. After putting some questions, this Court is satisfied that the person who is present before this Court is the informant.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
4. Perused the case diary provided by the learned counsel for the State in connection with crime No. 323/2018 registered at Police Station – Dabhra District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4, 6 of POCSO Act.
5. Case of the prosecution, in brief is that on 06.08.2018, prosecutrix was below 16 years of age. She is resident of village Bandapali. There was a love affair between her and applicant. On 06.08.2018, he took her by enticing, on pretext of marriage. Thereafter he had committed repeated sexual intercourse with her, she became pregnant.
6. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
8. The informant Saheb Lal Jatwar submitted that applicant may be released on bail. My daughter and applicant had already performed marriage.
9. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C. she had stated that she had absconded voluntarily along with the applicant. She and he had performed Court marriage. She had not stated anything regarding sexual intercourse.
10. Looking to these 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 Trial Court with the condition that he will 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.
11. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE