

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2386 of 2019**

Balak Das Banjare S/o Panchram Banjare Aged About 25 Years R/o
Koylari, Kala, Thana Kunda, District Kabeerdham Chhattisgarh.

-- Applicant

Versus

The State Of Chhattisgarh Through Police Station Boramdev, District
Kabeerdham Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Samir Singh, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16/04/2019**

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.02/2019 registered at Police Station Boramdev, District Kabeerdham (C.G.) for the offence punishable under Section 363, 366, 376 of IPC & under Section 4 of POCSO Act.
3. Case of the prosecution, in brief is that on 24/01/2019 prosecutrix was more than 17 years of age. She is resident of village Koyalari. On 24/01/2019 applicant took her by enticing on pretext of marriage and committed repeatedly 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 prosecutrix recorded under Section 164 of CrPC she loves him, she had left her paternal house voluntarily without saying any member of her family. On 24/01/2019 they performed marriage in temple at Raipur. She does not want to take any action against him.
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