

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2487 of 2019**

Tulsi S/o Jai Singh Lodhi Aged About 19 Years R/o Devri, Police Station, District Mungeli CG
---- Applicant

Versus

State Of Chhattisgarh Through SHO, Police Station Pathariya, District, Mungeli CG
---- Respondent

For applicant	Mr. Pallav Mishra, Adv.
For non-applicant/State	Mrs. M. Asha, PL.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13-5-2019

1. Bhupendra Rajput, informant who is brother of the prosecutrix is present in person. After putting some questions, this Court is satisfied that he himself is informant.
2. 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.
3. The applicant has been arrested in connection with Crime No. 298/2018 registered in police station Pathariya, Mungeli (CG) for offence punishable under Section 363, 366, 376, IPC, and Section 4 and 6 of POCSO Act.
4. Prosecution story in brief is that on the date of incident the prosecutrix was below 16 years of age. She is a resident of village Devari. On 14-7-2018, applicant took her by enticing to Pune. He committed repeatedly sexual intercourse with her.
5. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
6. 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.
7. Informant submits that he has no objection if the applicant is released on bail.
8. As per true copy of the statement of the prosecutrix recorded under Section 164, Cr.P.C. nothing had happened with her. She had stated nothing against the applicant.
9. Looking to the above facts and circumstances of the case, 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.
10. CC as per rules.

Sd/-**(Sharad Kumar Gupta)****Judge**