

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2654 of 2019

- Rohit Nirmalkar S/o Ratna Nirmalkar Aged About 22 Years R/o Durga Chowk, Lalpur, Police Station - Tikrapara, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh

----Non Applicant

For the Applicant : Shri MD. Faruq Azam, Advocate

For Non Applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board01.05.2019

1. 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.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.144/2019 registered at Police Station- Tikrapara, Raipur District- Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Sections 3 & 4 of POCSO Act(wrongly mentioned as section 366 instead of 363 in the order sheet).
3. Case of the prosecution, in brief is that on 26.02.2019 prosecutrix was more than 17 years of age. She is resident of Lalpur, Raipur. There was the love affair between her and applicant. He had committed sexual intercourse with her, she became pregnant. On 26.02.2019 they eloped and performed the marriage in a temple.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. 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, the bail application is allowed, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul