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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2830 of 2019**

1. Manohar Kumar Garg son of Kanshi Ram Garg, aged about 23 years, R/o Village Bramhan Pendry, Post Bavamohtara, Tahsil, Police Station and District Bemetara (C.G.)

---- Applicant/In Jail

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali, Bemetara, District- Bemetara (C.G.).

----Non-applicant

For Applicant	: Mr. B. P. Banjare, Advocate
For Non-applicant	: Mr. K.K. Dewangan, Dy. G. A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29/05/2019**

(1) 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.

(2) The applicant has been arrested in connection with Crime No. 706/2018 registered in Police Station City Kotwali, Bemetara, District- Bemetara (C.G.) for offence punishable under Sections 363 & 366, 376 of Indian Penal Code and Sections 8, 12 of POCSO Act.

(3) Prosecution story in brief is that on 10.11.2018 prosecutrix was more than 17 years of age. She is resident of village-Pendry. She had knowledge that applicant was already married. On 10.11.2018, she left her parental house and went to the house of the applicant. Thereafter, they eloped. They performed

marriage in *Aaryasamaj Mandir*. Thereafter, accused committed sexual intercourse with her.

(4) Counsel for the applicant argued that the applicant is innocent and has been falsely implicated, hence he be released on bail.

(5) On the other hand, the State Counsel opposed the bail application. He further submits that no antecedent has been registered against the applicant in the police case diary.

(6) 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.

(7) Certified copy, as per rules.

Sd/-
(Sharad Kumar Gupta)
Vacation Judge

