

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2857 of 2019**

Vinod Singh Kherwar S/o Ramaoutar Khewar, Aged About 21 Years R/o
Village - Marma, Bajnapara, Police Station - Trikunda District -
Balrampur - Ramanujganj Chhattisgarh., District : Balrampur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Trikunda, District -
Balrampur - Ramanujganj Chhattisgarh., District : Bastar(Jagdalpur),
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Yadav, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/05/2019**

1. Allegedly informant-prosecutrix present. After putting some questions this Court is satisfied that a person who is present in the Court is the informant-prosecutrix.
2. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.55/2013 registered at Police Station Trikunda, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 (2)(n) of IPC & Section 5(1) & 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 13/11/2018 prosecutrix was below 16 years of age. She is resident of village Marma. On 13/11/2012 at about 10 a.m. onwards in Chichirhagah forest at village Marma applicant committed forcible sexual intercourse with her on pretext of marriage.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

7. As per the certified copy of statement of the prosecutrix dated 05/04/2019 recorded by the trial Court she turned hostile and did not support the prosecution case she had stated that applicant had not committed any act with her. Quarrel was happened with applicant and she had lodged report regarding quarrel in Police Station.
8. Informant submitted that applicant may be released on bail.
9. 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.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde