

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2924 of 2019**

- Digeshwar S/o Kulpat Patel Aged About 21 Years R/o Village - Girsra, Police Station - Sarsiva, District Balodabazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House In-Charge, Police Station - Sarsiva, Balodabazar, District Balodabazar-Bhatapara Chhattisgarh

----Non Applicant

For the Applicant	:	Ms. Supriya Upasane, Advocate
-------------------	---	-------------------------------

For Non Applicant	:	Shri Washim Miyan, Panel Lawyer
-------------------	---	---------------------------------

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14.05.2019**

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.84/2019 registered at Police Station- Sarsiva, Balodabazar, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 376 of IPC and 4 of the POCSO Act.
3. Case of the prosecution, in brief is that on 04.10.2018 prosecutrix was more than 16 years of age. She is resident of village Jamnar. On 04.10.2018 applicant performed marriage with her in a temple at village Girsra. Thereafter, he committed repeatedly sexual intercourse with her.
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, 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