

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3031 of 2019**

Satish Kanediya S/o Sadhram Aged About 22 Years Caste - Harijan, R/o
Village - Anrokha, Bandhpara, Police Station - Bhatgaon, District Surajpur CG
---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station -
Bhatgaon District Surajpur CG

---- Respondent

For applicant	Mr. D.K. Vishwakarma, Adv.
For non-applicant/State	Mr. Vikram Dixit, GA

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19-6-2019

1. Informant Naresh Kanediya who is father of the prosecutrix is present in person. After putting some question this Court is satisfied that he is the 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. 119/2018 registered in police station Bhatgaon, Distt. Surajpur (CG) for offence punishable under Section 363, 366-A, 342, 506, 376 of IPC and Section 4 of the POCSO Act.
4. Prosecution story in brief is that on 7-8-2018 the prosecutrix was below 15 years of age. She is a resident of village Anrokha. On 7-8-2018 the applicant took her by enticing on pretext of marriage and committed sexual intercourse with her, gave threatening to kill 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. The informant submits that applicant may not be released on bail.
8. As per certified copy of the statement of the prosecutrix which is part of this bail application, she has totally turned hostile and has not supported the prosecution case. She stated in examination-in-chief that the applicant had not committed any act with her.
9. Looking to the above facts and circumstances of the case, as trial may take its own time, the 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 like sum to the satisfaction of the trial Court concerned with condition that he shall appear before court concerned at 11.00 am as and when directed by the said court, he be released on bail.
10. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge