

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3256 of 2019

- Laxmi Tandi S/o Chotu Tandi Aged About 28 Years R/o Joratarai Police Station, Bhilai Bhatthi District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Avinash Chand Sahu, Advocate.

For Non-applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

26.06.2019

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. 78/2017 registered at Police Station – Utai District – Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 5, 6 POCSO Act, 2012.
3. Case of the prosecution, in brief is that in the month of January, 2017 prosecutrix was more than 16 years of age. She is resident of village Joratarai. In the month of January, 2017 applicant committed sexual intercourse with her on the pretext of marriage and gave threats to kill.
4. Learned counsel for the applicant submits that the 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 antecedent against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available in record against the applicant, 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 Trial Court with the condition that he will 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.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE