

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3312 of 2019**

Shubham Kumar Mandal S/o Shri Birendra Kumar Mandal Aged
About 21 Years R/o Ghormara, P.S.- Mohanpur, District- Devdhar,
Jharkhand.

---- Applicant**Versus**

State of Chhattisgarh Through SHO, P.S.- Chhavni, District-
Durg, CG

---- Respondent

For applicant Mr. Achyut Tiwari, Adv.
For non-applicant/State Mr. Wasim Miyan, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-6-2019**

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. 85/2019 registered in police station Chhavni, Durg u/S. 363, 366, 376 of IPC and Section 4(a) of the POCSO Act.
3. Prosecution story in brief is that on 9-2-2019 prosecutrix was more than 16 years of age. She is resident of Bhilai. He and applicant were in contact with each other. On 9-2-2019 she left her paternal house and reached Power House railway station. The applicant met him there. He took her to Devghar. In Vasukinath temple he put vermilion on her forehead and garlanded necklace. Both were agreed to live as husband and wife. Thereafter he 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 criminal antecedent has been reported against applicant in the police case diary.

6. Looking to the above facts and circumstances of the case, looking to the prima facie material available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper with the evidence, and as the trial is likely to take 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 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.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge