

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3644 of 2019**

Dinesh Kumar Sahu S/o Panchram Sahu Aged About 20 Years R/o
Village- Daganiya, Police Station And District Bemetara Chhattisgarh
--- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer Police
Station Bemetara, District Bemetara Chhattisgarh.
---- **Respondent**

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate
For the State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18/06/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.538/2018 registered at Police Station Bemetara, District Bemetara (C.G.) for the offence punishable under Sections 363, 376 of IPC and under Section 3,4 of POCSO Act and under Section 3(1)(a)(2) & 3(2)(5) of SC,ST Prevention of Atrocities Act.
3. Case of the prosecution, in brief is that on 30/09/2018 prosecutrix was more than 17 years of age. She is resident of village Kewchhai. She is member of Scheduled Caste. On 30/09/2018 at about 19.30 hours near Sahu Medical Stores at village Bhedni, applicant forcefully sat her on his motorcycle took her in the dark and committed forcible sexual intercourse with her. Hearing voice of her, her brother Ramcharan reached there. Applicant left her and fled away.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. As per the copy of statement of the prosecutrix recorded under Section 161 of CrPC on her request applicant had left her to Kewchhai turn, at that time her elder brother Ramcharan reached there and drew wrong inference and got lodged the report against the applicant.
7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge