

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4059 of 2019**

Devendra Toder @ Deepu Toder S/o Gourishankar Toder, Aged About
22 Years R/o Village Ameri, Police Station Sakari, District Bilaspur CG

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police
Station Civil Lines, Bilaspur, District Bilaspur CG

---- Respondent

For applicant	Mr. B. P. Banjare, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****2-8-2019**

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. 267/2019 registered in police station Civil Lines, Bilaspur (CG) for offence punishable under Section 363, 366 and 376 of IPC and Section 6 of the POCSO Act.
3. Prosecution story in brief is that on 15-4-2019 prosecutrix was more than 17 years of age. She is resident of Uslapur, Bilaspur. On 15-4-2019 she left her maternal house and went to Maa Shakti temple at Shanti Nagar along with her lover the applicant. They performed marriage. They lived as husband and wife. He committed sexual intercourse with her.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
6. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 22-4-2019, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, 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 the like sum to the satisfaction of the Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge