

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4074 of 2019**

- Tirth Umesh Kumar Yadav S/o Patwari Yadav Aged About 23 Years R/o Village- Parselkhar, Police Station- Kukdur, District- Kabirdham, CG

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Kukdur, District- Kabirdham, CG

---- Respondent

For applicant Mr. Dharmesh Shrivastava, Adv.
For non-applicant/State Mrs. M. Asha, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****31-7-2019**

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. 24/2019 registered in police station Kukdur, Distt. Kabirdham (CG) for offence punishable under Section 363, 366, 376(2)(n) of IPC and Section 6 of POCSO Act, and Section 3(2)(v) of the SCST Act.
3. Prosecution story in brief is that on 17-3-2019 prosecutrix, who is a member of scheduled tribe, was more than 17 years of age. She is resident of village Kodva Godan. On 17-3-2019 she left her paternal house and joined the company of applicant at Bilaspur. He took her by enticing on pretext of marriage to different places. He committed repeatedly sexual intercourse with her on her wish and will.

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