

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4108 of 2019**

Sandeep Bhoi S/o Neelmani Aged About 19 Years R/o Ruabandha, Gandhi Chowk Bhilai, Police Station Sector-6, Bhilai Nagar, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri B.P. Singh, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/07/2019**

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.140/2019 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 5 (ब), 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 20/04/2019 prosecutrix was more than 16 years of age. She is resident of Ruabandha Bhilai. There was the love affair between her and applicant. On 20/04/2019 she called applicant and went along with him Durg. Thereafter he took her village Borgaon. He had

not committed sexual intercourse with her.

4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall 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 statement of the prosecutrix recorded under Section 164 of CrPC she had alone gone Odisha. Her family members have falsely implicated applicant on account of love affair.
7. Looking to the facts and circumstances of the case, looking to the material available on 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 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