

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4507 of 2019

- Kamlesh Sahu S/o Bhagwat Sahu Aged About 20 Years Residing At Village Bharari Police Station Kota District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ratanpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

31.07.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 179/2019 registered at Police Station – Ratapur District – Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4, 6 POCSO Act, 2012 and Section 3(2)(V) of the SCST Act.
3. Case of the prosecution, in brief is that on 17.01.2019 prosecutrix was more than 16 years old. She is a member of Scheduled Caste. She is resident of village Bharari. There was a love affair between her and applicant. On 17.01.2019 he took her by enticing on pretext of marriage. He committed

repeatedly sexual intercourse with her. Thereafter, he ran away leaving her. His family members refused to accept her.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available in 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 Trial Court with the condition that he will 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE