

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4421 of 2019

- Daniel Alex S/o Alex Tomas Aged About 18 Years R/o Grace Bhawan, Kondagaon, District- Kondagaon, At Present R/o Singodhi Tarai, Ps And District- Narayanpur, District- Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Narayanpur, District- Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Vishnu Koshta, Advocate.

For Non-applicant : Shri Ravi Masheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board04.09.2019

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. 76/2019 registered at Police Station – Narayanpur District – Narayanpur (C.G.) for the offence punishable under Sections 376, 363 and 366 of the Indian Penal Code and Sections 4, 6 POCSO Act.
3. Case of the prosecution, in brief is that on 29.04.2019 prosecutrix was more than 16 years of age. She is resident of village Narayanpur. On 29.04.2019 applicant took her to Chendru Park by enticing on pretext of

marriage. In the Chendru Park he was committing sexual intercourse with her at that time her parents and some other persons reached there, applicant fled away from the scenario.

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, he further submitted that prosecutrix has stated nothing against the applicant in statements recorded under Section 164 Cr.P.C. 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, the trial will take its own time, 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 will appear before the concerned 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