

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**RESERVED ON 27-8-2019****PRONOUNCED ON 29-8-2019****MCRC No. 5098 of 2019**

- Prabhakar Khobragadhe S/o Tulsi Ram Khobragadhe Aged About 26 Years R/o Indra Nagar, Ward No. 5, Near Ravi Kirana Store, Police Station - Dongargarh, District - Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Dongargarh, District - Rajnandgaon Chhattisgarh

---- Respondent

For applicant Mr. B.P. Singh, Adv.
 For non-applicant/State Mr. Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**CAV Order**

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. 15/2019 registered in police station Dongargarh, Distt. Rajnandgaon (CG) for offence punishable under Section 363, 366, 376, 34 of IPC and Section 4 and 6 of POCSO Act.
3. Prosecution story in brief is that on 12-1-2019 prosecutrix was more than 16 years of age. She is resident of Dongargarh. Prior to 12-1-2019 applicant repeatedly committed sexual intercourse with her after threatening to kill her family members. On 12-1-2019 he took her to Rajnandgaon by saying that if she would not come he will viral her video and committed sexual intercourse with her. Thereafter he told co-accused Jyoti Durge to take the prosecutrix to her house. Said co-accused took prosecutrix to her house.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated. He further submitted that co-

accused Jyoti Durge has been released on bail by this Court. Hence he may also be released on bail.

5. On the other hand, the State Counsel opposed the bail application. He further submitted that no criminal antecedent has been reported against applicant in the police case diary.
6. The case of applicant is totally different from that of co-accused Jyoti Durge. In the case in hand, the applicant is charged for offences punishable under Sections 363 368, 376, 34 of IPC and Section 4 and 6 of the POCSO Act.
7. As per the true copy of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., she had stated that the applicant had not committed any wrong act with her.
8. Looking to the above facts and circumstances of the case, looking to the fact that on 12-1-2019 prosecutrix was more than 16 years of age, looking to her statement recorded under Section 164 of the Cr.P.C. and looking to the fact that there is no likelihood of the applicant to abscond and tamper the evidence, 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 condition that he will appear before the trial Court at 11.00 am as and when directed by the said court till trial and he would cooperate during trial, he be released on bail.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge