

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8647 of 2018**

Ashlam Ansari S/o Mohd. Hafiz Aged About 23 Years R/o Gram V. T. C.
Main Road, Nepal Gate, Charcha Colliery, P. S. Charcha, District
Koria Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through P. S. Charcha, District Koria
Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Praglbh Sharma, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08/01/2019**

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. Case diary is not produced. Perused the charge-sheet provided by the counsel for the applicant in connection with the Crime No.09/2015 registered at Police Station Charcha, District Korea (C.G.) for the offence punishable under Section 363, 366, 376 (2)(N) of IPC and Section 4 & 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 27/01/2015 prosecutrix was more than 16 years old. She is resident of Loco Dafai Charcha. On 27/01/2015 applicant took her by enticing on pretext of marriage. He had committed repeatedly sexual intercourse with her on pretext of marriage. She became pregnant.
4. Learned counsel for the applicant submits that he has 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 one criminal case under Section 307, 314, 326 of IPC has already been registered against the applicant.
6. As per true copy of the office of the Marriage Officer, Jamtara they had performed marriage under the Special Marriage Act.

7. Looking to the facts and circumstances of the case, 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

Kamde