

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9027 of 2018**

Gopal Ram Cherwa S/o Mohan Ram Cherwa Aged About 22 Years R/o Manjhapara, Khaliba, Police Station Gandhinagar, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Of Police Station Gandhinagar, District- Surguja, Chhattisgarh.

---- Respondent

|                   |   |                                |
|-------------------|---|--------------------------------|
| For the Applicant | : | Shri Govind Dewangan, Advocate |
| For the State     | : | Shri I. Lakra, Dy. Govt. Adv.  |

-----  
**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****21/01/2019**

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. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.411/2017 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Section 363, 366 and 376(2)(i) of IPC and Section 5(1)/6 of POCSO Act.
3. Case of the prosecution, in brief is that on 12/12/2017 prosecutrix was below 15 years of age. She is resident of village Khaliba. On 12/12/2017 applicant took her on pretext of marriage and committed forcible sexual intercourse with her. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC she had stated that she had wandered the way and nobody has committed any crime with her.
4. As per the certified copy of the statement of the prosecutrix which is part of the bail application she turned hostile and stated in examination-in-chief that she had gone along with applicant without intimating her family members.
5. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He

further submits that no criminal antecedents against the applicant.

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