

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9185 of 2018**

- Sibar Giri S/o Keshwar Giri Aged About 28 Years R/o Village Bishunpur, Babapara, District Surguja CG ---- **Applicant**
- Versus**
- State Of Chhattisgarh Through The Station House Officer, Police Station Sitapur, District Surguja CG ---- **Respondent**

For applicant Mr. Nishikant Sinha, Adv.
 For non-applicant/State Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24-4-2019**

1. Informant Milan Giri was present on 22-4-2019.
2. 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.
3. The applicant has been arrested in connection with Crime No. 201/2014 registered in police station Sitapur, Distt. Surguja (CG) for offence punishable under Section 363, 366(A), 376(2)(n) of IPC and Section 3A/4 of the POCSO Act.
4. Prosecution story in brief is that on 18-9-2014 prosecutrix was below 12 years of age. She is a resident of village Vishunpur. On 18-9-2014 the applicant took her by enticing on the pretext of marriage and committed repeatedly sexual intercourse with her.
5. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated. As per certified copy of the statement of the prosecutrix recorded by the trial Court which is a part of the bail petition, she has stated that she had gone Raigarh for work without intimating her family members. The applicant had not taken her and did not commit anything with her. She has turned hostile and not supported the case of the prosecution. Hence he be released on bail.
6. On the other hand, the State Counsel opposed the bail application.
7. On the last date of hearing the informant appeared before this Court and submitted that he has no objection in releasing the applicant on bail.
8. Looking to the above facts and circumstances of the case, as the trial will take its own time, 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 trial Court concerned, he be released on bail.
9. CC as per rules.

Sd/-

(Sharad Kumar Gupta)

Judge