

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9559 of 2018**

Khageshwar @ Shankar Yadav S/o Sampat Yadav Aged About 22 Years R/o Village- Labhipali, Police Station- Baramkela, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Baramkela, District- Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjeev Sahu, Advocate
For the State	:	Shri I. Lakra, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14/01/2019**

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.31/2018 registered at Police Station Baramkela, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 376, 201, 120(B), 34 of IPC and under Section 4, 6, 17 of the POCSO Act.
3. Case of the prosecution, in brief is that on 09/03/2018 prosecutrix was more than 17 years old. She is resident of village Khorigaon. There was love affairs between her and applicant. She was inclined to marry with the applicant. She had told him that he took her she eloped with him on 09/03/2018. They had started to live like husband and wife. He had committed sexual intercourse with her on pretext of marriage.
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 no criminal antecedents against the applicant.
6. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge