NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9743 of 2018

Laxminarayan Ratre S/o Shri Santram Ratre Aged About 27 Years R/o Village Mohbhattha, O. P. Sargaon, P. S. Pathariya District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through P. S. Telibandha District Raipur Chhattisgarh ---- **Respondent**

For the Applicant : Shri Anchal Kumar Matre, Advocate
For the State : Shri I. Lakra, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

16/01/2019

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.65/2016 registered at Police Station Telibandha, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC & 3,4,6 of POCSO Act.

3. Case of the prosecution, in brief is that on 18/02/2016 prosecutrix was below 16 years of age. She is resident of Telibandha Raipur. There was love affairs between her and applicant. On 18/02/2016 applicant took her by enticing on pretext of marriage thereafter he committed forceful sexual intercourse with her. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC she herself gone along with the applicant in the house of his sister. Applicant had committed sexual intercourse with her on her wish and will. She wants to marry with him. She had gone along with him voluntarily.

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

Kamde