

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9709 of 2018**

Vaibhav Kumar Chandraker S/o Balram @ Bali Chandraker Aged About
20 Years R/o Village Checha, Tehsil Patan District Durg Chhattisgarh
---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Patan District Durg Chhattisgarh, District : Durg, Chhattisgarh
---- **Respondent**

For the Applicant	:	Shri Anurag Jha, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

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.173/2018 registered at Police Station Patan, District Durg (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and 4 & 6 of the POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix was more than 16 years 3 months old. She is resident of village Arasnara. There was the love affairs between her and applicant. On January 2018 onwards he had committed repeatedly sexual intercourse with her on pretext of marriage. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC on 16/09/2018 she and he were slept in the room of her brother, her brother saw them.
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. State counsel submits that one other criminal case under Section 456 of IPC has been registered 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 two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- 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