

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9839 of 2018

- Arun Kumar Kumeti S/o Sahdevram Aged About 21 Years R/o Village Chepeli, Thana And Tahsil Charama, District Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Charama, District Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Parag Kotecha, Advocate
For Non-applicant	: Mr. V. Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 207/2017 registered at Police Station – Charama, District Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 20.09.2017, prosecutrix was below 15 years old. She is resident of village Charama. There was a love affair between her and applicant. On 20.09.2017, he took her by enticing, on pretext of marriage. He had committed repeated sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the certified copy of the statement of the prosecutrix recorded by the trial Court, she turned hostile and stated in her examination in chief that applicant has not committed any act with her.
7. Looking to these 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 Trial Court with the condition that he will 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