

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9856 of 2018

- Sanjay Gayakwad S/o Shri Munna Lal Gayakwad Aged About 24 Years Caste Satnami, R/o Village Pirada, Police Station Kharora, Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tumgaon, Civil And Revenue District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. P.M. Shriwas, Advocate
For Non-applicant	: Mr. SRJ Jailswal, 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. 128/2018 registered at Police Station – Tumgaon, Civil And Revenue District Mahasamund (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 31.07.2018, prosecutrix was more than 17 years old. She is resident of village Bhotig. There was a love affair between her and applicant. On 31.07.2018, he took her by enticing, on pretext of marriage. Thereafter he performed marriage with her. 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. 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE