

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 35 of 2019**

Santosh Kumar Pal S/o Sugrim Pal Aged About 20 Years R/o Sakin Chakdehi Police Chouki Balangi Police Station Raghunathnagar ,district Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Raghunathnagar ,district Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Yadav, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**24/01/2019**

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.46/2018 registered at Police Station Raghunathnagar, District Balrampur (C.G.) for the offence punishable under Section 376(2)(n), 363, 366, 506, 342 of IPC and under Section 5(L) read with 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 18/06/2018 prosecutrix was below 16 years of age. She is resident of village Torfa. On 18/06/2018 between 10 – 11 p.m. at Village Torfa applicant took the prosecutrix giving threats to kill and committed forcible sexual intercourse with her in forest.
4. Learned counsel for the applicant submits that he is 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. As per the certified copy of the statement of the prosecutrix recorded by the trial court which is part of the bail application, prosecutrix turned

hostile and stated that applicant had not committed anything wrong with her.

7. 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde