

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9939 of 2018**

Shiva Haldar @ Shibu S/o Bharat Haldar Aged About 22 Years R/o
Kishunpur ,police Station Gandhinagar ,district Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Gandhinagar District
Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Tripathi, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/02/2019**

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.204/2018 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (ब) of IPC and Section 5 (ब)/06 of POCSO Act.
3. Case of the prosecution, in brief is that on 20/08/2018 prosecutrix was more than 16 years of age. She is resident of village Bhagwanpur. On 20/08/2018 he took her by enticing on pretext of marriage. He committed repeatedly sexual intercourse with her.
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. 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