

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 42 of 2019**

Nohar Diwara @ Nohar Dhruv S/o Millu Dewar Aged About 19 Years
R/o Sabhash Nagar Dewar Basti Police Station Telibandha District
Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station
Devendra Nagar ,district Raipur Chhattisgarh ., District : Raipur,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri C.K. Sahu, Advocate appears on behalf of Shri K.K. Dixit, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/01/2019**

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 Devendra Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4-6 of POCSO Act.
3. Case of the prosecution, in brief is that on 05/08/2018 prosecutrix was more than 17 years of age. She is resident of Subhash Nagar Telibandha, Raipur. On 05/08/2018 applicant took her by enticing on pretext of marriage and committed repeatedly sexual intercourse with her. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC applicant had not committed sexual intercourse with her forcibly. She does not want any action against him.
4. As per the photocopy of Ikrarnama dated 24/07/2018 she and he were agree to perform the marriage in temple.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He

further submits that no criminal antecedents against the applicant.

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