

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 10019 of 2018

- Ritesh Khobragade S/o Baliram Khobragade Aged About 25 Years R/o Panchsheel Nagar East Charoda, Bhilai, Police Station Bhilai 3, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Rajghada, District Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. B.P. Singh, Advocate
For Non-applicant	: Mr. SRJ Jailswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.01.2019

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. 294/2017 registered at Police Station – Rajghada, District Balod (C.G.) for the offence punishable under Sections 451, 376 of the Indian Penal Code and Section 4, 6 of POCSO Act.
3. Case of the prosecution, in brief is that on 15/04/2015 prosecutrix was more than 17 years old she is resident of Dallirajhara. They were knowing each other. On 15/04/2015 applicant had committed forcible sexual intercourse with her in her house on pretext of the marriage. Meanwhile, her mother reached there and he fled from the spot
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