

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 10028 of 2018

- Avinash Kumar Bagre S/o Pyaarelal Bagre Aged About 21 Years R/o Indra Awaas Maanpur, Police Station Maanpur, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Maanpur, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, 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. 64/2017 registered at Police Station – Maanpur, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 5(j)(ii), 5(l), 6 of POCSO Act.
3. Case of the prosecution, in brief is that in May, 2017 prosecutrix was about 16 years old. She is resident of village Maanpur. In May, 2017 and onwards applicant committed repeated sexual intercourse with her on pretext of the marriage. He took her to Bhamragarh. He did not perform the marriage 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 two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, 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