

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10088 of 2018**

Amit Rajwanshi S/o Shri Sudhir Rajwanshi Aged About 22 Years R/o Village - Pipraud, Bangali Colony, P.S. - Gobra Nawapara, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station - Gobra Nawapara, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shubham Tripathi, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/01/2019**

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.222/2018 registered at Police Station Gobra Nawapara, 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 27/09/2018 prosecutrix was more than 16 years old. She is resident of village Dongitarai. On 27/09/2018 she had called applicant at village Hasda. Thereafter she went in his house along with him by motorcycle. In his house he committed forcible sexual intercourse with her. Thereafter she went with him at village Piproud by motorcycle.
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 true copy of the statement of the prosecutrix recorded under Section 164 of CrPC she had love affair with him. He had committed sexual intercourse with her on her wish and will. She had told him that

she will not return back in her house. She does not want any action against him. She had gone along with him on her will.

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