

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1286 of 2020**

Avinash Sonpakar S/o Ramdhari Aged About 27 Years R/o Mayapur
Behind Electricity Office Ambikapur District - Surguja Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur District - Surguja Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shakti Raj Sinha, Advocate
For the State	:	Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**17/03/2020**

1. Informant Krishna Rajak absent though notice have been served upon him.
2. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was dismissed as withdrawn vide order dated 21/06/2019 passed in MCRC No.3019/2019.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No.60/2019 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376(A) (B), 376(2)(n) of IPC and 5(L), 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 17/05/2017 prosecutrix was below 15 years of age. She is resident of Mayapur, District Surguja. On 17/05/2017 and thereafter applicant repeatedly committed sexual intercourse with her on pretext of marriage and thereafter he refused to marry her.
5. Counsel for the applicant submitted that applicant is innocent and falsely implicated in the present case and he is in jail since 03/02/2019. He further submitted that in the case in hand prosecutrix has been examined by the trial Court and she did not support the

prosecution case, thus he may be released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submitted that no criminal antecedents has been reported against the applicant in the police case diary.
7. As per the true copy of statement of PW-4 prosecutrix which is part of the bail application she had stated in para 2 in examination-in-chief that applicant had not committed any incident with her.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. 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 concerned Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

Sd/-

(Sharad Kumar Gupta)
Judge