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**(2019) 05 CHH CK 0044**

**Chhattisgarh High Court**

**Case No:** M.Cr.C. No. 2830 Of 2019

Manohar Kumar Garg

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** May 29, 2019

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 363, 366
- Protection Of Children From Sexual Offences Act, 2012 - Section 8, 12

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** B. P. Banjare, K.K. Dewangan

**Final Decision:** Allowed

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### **Judgement**

Sharad Kumar Gupta, J

(1) This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending

before any other Court.

(2) The applicant has been arrested in connection with Crime No. 706/2018 registered in Police Station City Kotwali, Bemetara, District- Bemetara

(C.G.) for offence punishable under Sections 363 & 366, 376 of Indian Penal Code and Sections 8, 12 of POCSO Act.

(3) Prosecution story in brief is that on 10.11.2018 prosecutrix was more than 17 years of age. She is resident of village-Pendry. She had knowledge

that applicant was already married. On 10.11.2018, she left her parental house and went to the house of the applicant. Thereafter, they eloped. They

performed marriage in Aaryasamaj Mandir. Thereafter, accused committed sexual intercourse with her.

(4) Counsel for the applicant argued that the applicant is innocent and has been falsely implicated, hence he be released on bail. (5) On the other hand,

the State Counsel opposed the bail application. He further submits that no antecedent has been registered against the applicant in the police case diary.

(6) Looking to the above facts and circumstances of the case, application is allowed. It is ordered that if the applicant furnishes one solvent surety for

a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail. (7) Certified

copy, as per rules.