

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4216 of 2019**

- Mahendra Dehre S/o Meghlal Dehre, aged about 19 years, R/o village-Biroda, Police Station Dhamdha, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Chowki - Devkar, Police Station Saja, District - Bemetara (C.G.).

---- Respondent

For Applicant	:	Shri Sanjeev Kumar Sahu, Advocate.
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/08/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 13.06.2019 in connection with Crime No.223/2019 registered at Police Station, Chowki-Devkar, P.S. Saja, District Bemetara (C.G.) for the offence punishable under Sections 363, 366(A) IPC and Section 18 of Protection of Children From Sexual Offences Act, 2012 (for short 'the POCSO Act').
2. Allegation against the present applicant is that he kidnapped a minor girl from lawful guardianship of the complainant and committed illicit intercourse with her.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the case. It has been also submitted that there is no legally admissible

evidence showing the prosecutrix to be minor, the prosecutrix accompanied the applicant of her own and there is likelihood that the prosecutrix would depose in his favour. He further submits that the applicant is in jail since 13.06.2019, charge sheet has not been filed and there is no likelihood of his case being decided in near future. Therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Having heard learned counsel for the parties and having regard to the fact that the applicant is languishing in jail from 13.06.2019, charge sheet has not been filed and that the final disposal of the case will take some time, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-

(Rajani Dubey)
Judge