

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4232 of 2019**

- Mahesh Nishad S/o Khemchand Nishad, aged bout 22 years, R/o village Devribhag, Police Station Chichgarh, District Gondiya (Maharashtra)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station, Khairagarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri Abhishek Sharma, Advocate.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/08/2019**

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 05.06.2019 in connection with Crime No.184/2019 registered at Police Station, Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 3 & 4 of Protection of Children From Sexual Offences Act (for short 'the POCSO Act').
2. The prosecution case, in brief, is that on 21.05.2019, a report was lodged by Dhiraj Netam, father of the prosecutrix, alleging therein that his daughter aged about 16 year is missing and she was taken by unknown accused. During investigation, on 02.06.2019, the prosecutrix along with her father appeared before police station and gave statement that the applicant allured her and took her to Hyderabad on

the pretext of marriage, where he committed sexual intercourse with her against her will. Based on this report, FIR was lodged and offence was registered against the applicant under Section 363, 366, 376 IPC and Section 3 & 4 of the POCSO Act.

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 the applicant is in jail since 05.06.2019, 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 05.06.2019 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