

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4484 of 2019**

- Trilochan Kadati S/o Late Lakhmu Kadati Aged About 24 Years, R/o Village Jaiwaram (Camppara) Police Station Jangala Tahsil Bhairamgarh District Bijapur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Police Station Jangala, District Bijapur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Praveen Kumar Tulsyan, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 09/2019 registered at Police Station Jangala, District-Bijapur (C.G.) for the offence punishable under Sections 376, 506, 341 of the IPC and 4 of the POCSO Act.
2. The prosecution story, in brief is that, on 02.06.2019 the father of the prosecutrix lodged an FIR. against the present applicant that in the last night present applicant has committed forcefully sexual intercourse with his daughter. Based on this, offence has been registered. Present applicant has been taken into custody on 02.06.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant is in jail since 02.06.2019, there is

no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime to threat the girl and commit sexual intercourse with her and the age of the prosecutrix is about 16 years and she is not a consenting party so, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**