

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4555 of 2019**

Amit Kaiwartya, S/o Dhanwar Kaiwartya, Aged About 19 Years, R/o Nandmahal Chowk, Malhar Police Station Masturi, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Out Post – Malhar, Police Station Masturi, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant.	:	Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Shri Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/09/2019**

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.205/2019 registered at Police Station : Masturi, Out Post – Malhar, District - Bilaspur (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 4 of the POCSO Act, 2012.
2. The prosecution story in brief is that the applicant along with the other co-accused kidnapped the prosecutrix, who is a minor girl, taken her to Allahabad where he committed forcible sexual intercourse with her. During investigation the girl was recovered from the possession of applicant. Thereafter, the FIR was lodged by the complainant against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submitted that the applicant is in jail since 13.06.2019, and there is no criminal antecedent against him, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and further considering the fact that the applicant is in custody since 13.06.2019 and he has no criminal antecedent, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Rajani Dubey)
Judge