

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5022 of 2019**

- Gajendra Anchal S/o Indrakumar Anchal Aged About 19 Years, R/o Nagopahari, Outpost - FASTERPUR, District Mungeli, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh, Through : Officer In Charge Of Police Station FASTERPUR, District Mungeli, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Pallav Mishra, Adv. |
| For Respondent/State | : Mr. B. L. Sahu, PL.     |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****06.11.2019**

1. In pursuance to the order dated 27.09.2019, the complainant/informant is present today before this Court with his counsel. On being asked, he has made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. 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. 85/2019 registered at Police Station FASTERPUR, District-Mungeli (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC and 4 & 6 of POCSO Act.
4. The prosecution story, in brief is that, the father of the girl namely, Sanat Kumar lodged a police report against the present applicant on the basis of suspicion that several times he caught his daughter, who is minor, chatting with the applicant. On the night of 14.06.2019 he did not find his daughter in the house. Hence, he started searching her. On being inquired about her, Gajendra

Anchal did not respond, hence he was forced to lodge a suspicion report against the applicant. Based on this offence has been registered against the present applicant.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the seizure witnesses have not supported the seizure memorandum and turned hostile. The applicant is in jail since 18.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State and complainant/informant oppose the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the fact that the seizure witnesses have not supported the seizure memorandum and turned hostile. The applicant is in jail since 18.06.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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