

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5507 of 2019**

- Kishor Giri @ Bachha Giri S/o Prashant Giri Aged About 22 Years R/o H S C L Colony Behind Motilal Temple Station Maroda Police Station Newai District Durg Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate.
For Respondent	:	Mr. Anil Tripathi, P.L.

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

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 83/2019 (wrongly mentioned 83/2016 in first page of order impugned) registered at Police Station - Newai, District Durg (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Sections 5(L) & 6 of POCSO Act 2012. (wrongly mentioned Section 4 in first page of the impugned order)
- The prosecution story in brief is that on 27.03.2019, applicant committed sexual intercourse with the prosecutrix on the pretext of marriage. On the basis of that, after investigation, offence has been registered against the applicant and he was arrest on 27.03.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that prosecutrix herself has not supported the

case and turned hostile. He further submits that applicant is jail since 27.03.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the that fact that the prosecutrix is aged above 16 years, she has not supported the case and turned hostile, 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge