

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5518 of 2019**

- Yogesh Nishad S/o Shiv Kumar Nishad, aged about 21 years, R/o village Dawanbod, Police Station Bhatapara Gramin, District Balodabazar - Bhatapara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Bhatapara (Gramin), District Balodabazar - Bhatapara (C.G.)

---- Respondent

For Applicant	:	Shri Ashok Soni, Advocate
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/11/2019**

1. The applicant has preferred 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.260/2019, registered at Police Station - Bhatapara (Gramin), District Balodabazar - Bhatapara (C.G.) for the offence punishable under Sections 376 IPC and Section 4, 6 of the POCSO Act, 2012.
2. The prosecution story, in brief, is that a complaint was lodged by the father of the prosecutrix alleging therein that when his daughter, who is 17 years and 6 months old, was studying in class 10, the applicant fell in love with his daughter and committed sexual intercourse with her many times on the pretext of marriage and when the applicant denied performing marriage, she cut the vein of her hand. Based on this report, offence has been registered. Present applicant has been taken into custody on 03.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the complainant, who is father of the prosecutrix, has turned hostile. He also submits that the mother of the prosecutrix also turned hostile. It is next submitted that the applicant is in custody since 03.07.2019, charge sheet has not been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on 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. Considering the facts and circumstances of the case, and further considering the fact that parents of the prosecutrix turned hostile, the applicant is in custody since 03.07.2019, and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge