

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5586 of 2019**

- Durgesh Maheshwari, S/o Santosh Maheshwari, Aged About 19 Years, R/o Mulle, Outpost Birejhar, Police Station Kurud, District- Dhamtari, (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Of Police Station Kurud, District- Dhamtari (C.G.).

---- Respondent

For Applicant	: Shri Anil Gulati, Adv.
For Respondent/State	: Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.12.2019**

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. 247/2019 registered at Police Station Kurud, District- Dhamtari (C.G.) for the offence punishable under Sections 376, 354(D), 509(B) of I.P.C., Sections 6, 12 of POCSO Act and Section 67(B) of I.T. Act.
2. The prosecution story, in brief is that, the FIR was lodged by the victim alleging in it that the applicant used to talk to her through mobile and subsequently their relationship developed and it is alleged that on the pretext of the marriage the applicant established physical relationship with the victim. Thereafter, offence has been registered against the present applicant.
3. 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 prosecutrix has not supported the prosecution case and turned hostile. The applicant is in jail since 29.05.2019, there is no likelihood of his case being decided in near

future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecutrix has not supported the prosecution case and turned hostile. The applicant is in jail since 29.05.2019 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.
7. 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**